

13. 15

Vindiciae contra Tyrannos:
A
Defence of Liberty against Tyrants.

O R,
Of the lawfull power of the Prince over
the people, and of the people over the Prince.
BEING
A Treatise written in Latin and French
by Junius Brutus, and translated out of
both into ENGLISH.

Questions discussed in this Treatise.

- I. Whether Subjects are bound, and ought to obey Princes, if they command that which is against the Law of God.**
- II. Whether it be lawfull to resist a Prince which doth infringe the Law of God, or ruine the Church, by whom, how, and how farre it is lawfull.**
- III. Whether it be lawfull to resist a Prince which doth oppresse or ruine a publique State, and how farre such resistance may be extended, by whom, how, and by what right, or law it is permitted.**
- IV. Whether neighbour Princes or States may be, or are bound by Law, to give succours to the Subjects of other Princes, afflicted for the cause of true Religion, or oppressed by manifest tyranny.**

LONDON,
Printed by Matthew Simmons, and Robert Ibbison, in
Smithfield, neer the Queens-head Tavern. 1648.

*This is an abominable & treasonable booke, fit for nothing
but yf faine, w^t then is y^t translator worthy of a halter.*

1890 (F. 1980) 611-121

Chancery of the King of France

90
Zemsta i kara za głupotę i niezrozumiełość
wobec sprawy, której nie zrozumiał, i której

20135
dove il fiume si incarna. Tutto
lo mio sentimento è per la vita
ma la vita non è più

1. *Leucosia* *leucosia* (L.) *leucosia* (L.)



made to you videlicet **THE** Emperors, Theodosius and Valentian
VOLUSIANUS, Great Provoſt
of the Empire.

It is a thing well-becoming
the **Majesty** of an **Emper-our**, to acknowledge himself
bound to obey the **Laws**. Our
authority depending on the
authority of the **Laws**, and in very deed to
submit the principallity to **Law**, is a greater
thing then to beare rule. We therfore make
it known unto all men, by the Declaration of
this our **Edict**, that **Wee** doe not allow Our
ſelves, or repute it lawfull to doe any thing
contrary to this.

An Epistle.

Justine in the second Book, speaks thus
of Lycargns, Law-giver to the Lacede-
monians, He gave Laws to the Spartans
which had not any: and was as much re-
nowned for his diligent observing of them
himself, as for his discreet Inventing of
them: For he made no Laws for others, to
the obedience whereof he did not first submit
himself. Fashioning the people to obey wil-
lingly, and the Prince to Govern uprightly.

The

The first Question.

*Whether Subjects are bound and ought to obey Princes, if they command
that which is against the Law of God.*

THIS question happily may seeme at the first view to be altogether supererious and unprofitable, for that it seems to make a doubt, of an axiome allways held infallible amongst Christians, confirmed by many testimonies in Holy Scripture, divers examples of the histories of all ages, and by the death of all the Holy Martyrs, for it may be well demanded wherefore Christians have endured so many afflictions, but that they were alwayes perswaded, that God must be obeyed simply, and absolutely, and Kings with this exception that they command not that which is repugnant to the law of God. Otherways wherfore should the Apostles have answered, that God must rather be obeyed than men, and also Act. 4. 19. seeing that the only wil of God is always just, and that of men may be, and is, oftentimes unjust, who can doubt but that we must always obey Gods commandements without any exception, and mens ever with limitation. But for so much as there are many Princes in these days, calling themselves Christians, which arrogantly assumes an unlimited power, over which God himselfe hath no command, and that they have no want of flatterers, which adore them as Gods upon earth, many others also, which for feare, or by constraint, either seem, or else do beleive, that Princes ought to be obeyed in all things, and by all men. And withall, seeing the unhappines of these times is such, that there is nothing so firme, certain, or pure, which is not shaken, disgraced, or polluted; I fear me that whosoever shall neerly, and throughly consider these things, will confess this question to be not only most profitable, but also, the times considered, most necessary. For my owne part when I consider the cause of the many calamities, wherewith Christendome hath been afflicted, for these late yeares, I cannot but remeber that of the Prophet Hosea, *The Princes of Judah were like them that remove the bounds: wherefore I will pour out myself like water. Egypt is oppressed, and broken in judgement, because he willingly walked after the Commandement.* Here you see the sin of the Princes, and people dispersed in these two words. Hos. 5. 10. 11. The Princes exceed their bounds, not contenting themselves with that authority which the Almighty, and all good God hath given them, but seeke to usurpe that sovereignty, which he hath

hath reserved to himselfe over all men, being not content to command the bodys, and goods of their Subjects at their pleasure, but assume licence to themselves to inforne the Consciencies, which appertaines cheifly to Jesus Christ, holding the earth not great enough for their ambition, they will climbe and conquer heauen it selfe. The people on the other side walke after the commandement, when they yeld to the desire of Princes, who command them that which is against the law of God, and as it were burn incense to, and adorne these earthly Gods; and instead of resisting them, if they have means and occasion; suffer them to usurp the place of God, making no conscience to give that to *Cesar*, which belongs properly and only to God. Now is there any man that sees not this, if a man disobey a Prince commanding that which is wicked and lawfull, hee shall preſently bee esteemed a Rebell, a Traytor, and guilty of High Treafony, our Saviour Christ, the Apostles and all the Christians of the Primitive Church were charged with these Calumnetts. If any after the example of *Ezra*, and *Neber-miah*, dispose himselfe to the building of the Temple of the Lord, It will be said he aspires to the Crown, hatches innovations, and seeks the ruine of the State, then you shall preſently see a million of these Minnious, and flatterers of Princes tickling their eares with an opinion, that if they once ſuffer this Temple to be re-builde, they may bid their Kingdome farewell, and never look to raise impost or taxes on these men. But what a madneſſe is this? There are no estates which ought to be esteemed firme and ſtable, but thofe, in whom the Temple of God is builte, and which are indeed the Temple it ſelfe, and thofe we may truly call Kings, which reigne with God, ſeeing that it is by him only that Kings reign: On the contrary what beaſtly foolishneſſe is it to think, that the State and Kingdome cannot ſubſtit if God Almighty be not excluded, and his Temple demolished. From hence proceeds ſo many Tyrannous enterprizes, unhappy and tragick death of Kings, and ruines of people. If thofe Sicophants knew what diſference there is between God and *Cesar*, between the King of Kings, and a ſimple King, between the Lord, and the Vassal, and what tributis this Lord requires of his Subjects, and what authority he gives to Kings over thofe his Subjects, certainly ſomatiſt Princes wou'd not ſtrive to trouble the Kingdome of God, and we ſhould not ſee ſome of them precipitated from alij Throns

Ezra. 4.

Nehe. 57.

Throns by the just instigation of the Almighty, revenging himselfe of them, in the midst of their greatest strength, and the people should not be so lackt and pillag'd, and troden down.

It then belongs to Princes to know how fare they may extend their authority, and to subjects in what they may obey them, lest the one incroaching on that jurisdiction, which no way belongs to them, and the others obeying him which commandeth further then he ought, they be both chaitised, when they shull give an account thereof before another Judge: Now the end and scope of the question propounded, wherof the Holy Scripture shall principally give the resolution, is that which followeth. The question is, if subjects be bound to obey Kings, in case they command that which is against the Law of God: that is to say, to which of the two (God or the King) must we rather obey, when the question shall be resolved concerning the King, to whom is attributed absolute power, that concerning other Magistrates shull be also determined.

First, the Holy Scripture doth teach, that God reignes by his owne proper authority, and Kings by derivation, God from himselfe, Kings from God, that God hath a jurisdiction proper, Kings are his delegates: It followes then, that the jurisdiction of God hath no limits, that of Kings bounded, that the power of God is infinit, that of Kings confin'd, that the Kingdom of God extends it selfe to all places, that of Kings is restrain'd within the confines of certaine countries: In like manner God hath created of nothing both heaven, and earth; wherefore by good right he is Lord, and true Proprietorie, both of the one, and the other: All the Inhabitants of the earth hold of him that which they have, and are but his tenants, and farmers; all the Princes and Governors of the world are his stipendaries, and vassals, and are bound to take and acknowledge their investitures from him. Briefly, God alone is the owner and Lord, and all men of what degree, or quality soever they be, are his servants, farmers, officers, and vassals, and owe account, and acknowledgement to him, according to that which he hath committed to their dispensation, the higher their place is, the greater their account must be, and according to the ranks whereunto God hath rail'd them, must they make their reckoning before his divine Majesty, which the Holy Scripture teacheth in infinit places, and all the fairest, yea, and the wiest amongst the Heathen have ever acknowledged: The earth is the Lords, and the fulnesse thereof, (so saith King David) And to the end that men should not sacrifice to their owne industry; the earth yeelds

Prov. 8.
Job 12.
Wisd. 6.3.

Psal. 24.1.

no increase without the dew of heaven: Wherefore God commanded that his people should offer unto him the first of their fruits, and the Heathens themselves have consecrated the same unto their gods; to the end, that God might be acknowledged Lord, and they his grangers and vire dressers; the heaven is the Throne of the Lord, and the earth his foot-stoole. And therefore seeing all the Kings of the world are under his feet; it is no marvail, if God be called the King of kings, and Lord of lords; all Kings be termed his Ministers established to judge rightly, and govern justly the world in the quality of Lieutenants. By me (so saith the divine Wisdom) Kings reigne, and the Princes judge the earth: If they doe it not he looseth the bonds of Kings, and girdeth their loyns with a girdle. As if he shoulde say, it is in my power to establish Kings in their Thrones, or to thrust them out, and from that occasion the Throne of Kings is called the Throne of God. Blessed

Isay 66. 1.
1 Kings 1.
8.

Prov. 8. 15

Job 12. 18.

Dan. 2. 21.

2 Chron 9. 8.

2 Chron. 25. 23.
1 Sam. 9.
16. and
10. 1.

2 Sam. 6.
21.

2 Kings
20. 5.

2 Chron. 1
9. i.
2 King. 11.
2 Chron.
33. 16.

2 Chron.
20. 6.

Dan. 2. 37.
and 4. 14.

Thy

Thy God O Daniel is truly the God of Gods, and Lord of Lords, giving Kingdomes 34. whom he pleaseth, years to the most wretched of the world. For which cause Zenophon said at the Coronation of Cyrus: let us sacrifice to God. And prophane Writers in many places doe magnifie God the most mighty and Souveraigne King. At this day at the Inaugurating of Kings, and Christian Princes, they are called the servants of God, destinatid to govern his people. Seeing then that Kings are only the Lieutenants of God, established in the Throne of God, by the Lord God himselfe, and the people are the people of God, and that the honour which is done to these Lieutenants proceeds from the reverence which is borne to those, that sent them to this service; it followes of necessity that Kings must be obeyed: for Gods cause, and not against God, and then, when they serve and obey God, and not otherwayes. It may be that the flatterers of the Court wil reply, that God hath resignid his power unto Kings, reserving Heaven for himselfe, and allowing the Earth to them to reign, and govern there according to their owne phancies; briefly that the great ones of the World hold a devidid Empire with God himselfe. Behold a discourse proper enough for that impudent Villaine Cleas the Sicophant of *Alexander*, or for the poet Martiall which was not ashamed to call the Edicts of *Dominian* the Ordinances of the Lord God. This discourse I say is worthy of that execrable *Dominian* who (as *Suetonius* recites) would be called God and Lord: But altogether unworthy of the eares of a Christian Prince, and of the mouth of good Subjects, that sentence of God almighty must always remaine irrevocably true, *I will not give my glory to any other, that is, no man shall have such absolute authority, but I will always remaine souveraigne.* God doth not in any time disvest himselfe of his power, he holds a Scyptre in one hand to represe, and quell the audatious boldnesse of those Princes which mutiny against him, and in the other a balance to controlle those that administer not justice with exactnesse as they ought, then those there cannot be expressed more certaine markes of souveraigne command. And if the Emperor in creating a King, reservet alwayes to himselfe the imperiall souveraignty, or a King as he of France in granting the government or possession of a Province to a stranger, or if it be to his Brother or Son reserves always to himselfe appeals, and the

Divisum
imperi-
um cum
Jove Cz-
esar habet.

16.48.11.

psa.2.9.
Wisd.6.4.

knowledg of such things as are the marks of roialty and soveraigny, the which also are always understood of themselves to be excepted, although they wer altogether omitted in the grant of investiture, and fealty promised; with much more reason should God have soveraign power and command over al Kings being his servants and Officers, seeing wee reade, in so many places of Scripture, that he will call them to an account, and punish them, if they doe not faithfully discharge their duties. Then therefore all Kings are the Vassals of the King of Kings, invested into their Office by the sword, which is the cognisance of their roiall authority, to the end, that with the sword they maintaine the Law of God, defend the good, and punish the evill. Even as we commonly see, that he which is a soveraigne Lord, puts his Vassals into possession of their fee, by girding them with a sword, delivering them a buckler, and a standard, with condition that they shall fight for them with those armes if occasion shall serve. Now if we consider what is the duty of Vassalls, we shall find that what may be said of them, agrees properly to Kings: The Vassall receives his fee of his Lord with right of justice, and charge to serve him in his warres. The King is established by the Lord God, the King of Kings; to the end he should administer justice to his people and defend them against all their enemies. The Vassall receives law and conditions from his Sovereigne: God commands the King to observe his laws and to have them always before his eyes, promising that he and his successors shall possess longthe Kingdom, if they be obedient, and on the contrary that their reigne shall be of small continuance, if they prove ry, rebellious to their Sovereigne King. The Vassall obligeth himselfe by Oath unto his Lord, and sweares that he will be faithfull, and obedient: In like manner the King promiseth solemnly to command, according to the expresse Law of God. Briefly the Vassall loseth his fee, if he commit felonyn, and by law forfeitteth all his priveledges: In the like case the King loseth his Right, and many times his Realme also, if he displease God, if he complie with his enemies, and if he commit felonyn against that Royall Majestie, this will appeare more clearly by the consideration of the Covenant which is contracted between God and the King, for God does that honour

3 Sam. 8.
and 9. 20.

Deu. 17. 19.

to his seruants to call them his confederats. Now we reade
of two sorts of Covenants at the Inaugurating of Kings, the
firſt betwixt God, the King, and the People, that the people
might be the people of God: The ſecond betwixt the King
and the people, that the people ſhall obey faithfully, and the
King command justly, we will treat hereafter of the ſecond,
and now ſpeak of the firſt:

When King *Joas* was crowned we read that a Covenant was
contracted between God, the King, and the People: or, as it is The Alli-
ſaid in another place between *Jeboada* the High-Priest, all the anſe be-
People, and the King, *That God ſhould bee their Lord*. In like-
manner we read that *Josias* and all the people entred into Co-
venants with the Lord: we may gather from theſe testimo-
nies, that in paſſing theſe Covenants the High-Priest did Co-
venant in the name of God in expreſſe termes, that the King ^{16.}
and the people ſhould take order that God might be ſerved ^{1 King. 23.}
purely, and according to his will, throughout the whole
Kingdome of *Juda*, that the King ſhould ſo reigne, that the
people were ſuffered to ſerve God, and held in obedience to
his law: That the people ſhould ſo obey the King, as their
obedience ſhould have principall relation to God. It appears
by this that the King & the people are joynly bound by pro-
mife and did oblige themſelves by ſolemn Oath to ſerve God
before al things. And indeed preſently after they had ſworn
the Covenant, *Josias* and *Joas* did ruine the Idolatry of *Baal*
and re-establiſhed the pure ſervice of God. The principall
poynſt of the Covenants were cheiſly theſe.

That the King himſelfe, and all the people ſhould be care-
full to honour and ſerve God according to his will revealed
in his word, which if they performed, God would affiſt and
preſerve their estates: as in doing the contrary, he would a-
bandon, and extermiſte them, which doth plainly appear
by the conſeruing of divers paſſages of holy writ. *Moses* ſome-
what before his death propounds theſe conditions of Cove-
nant to all the people, and at the ſame time commands that ^{Deut. 29.}
the Law, which be thoſe precepts given by the Lord ſhould be
in deſtituſion kept in the Ark of the Covenant. After the deceaſe
of *Moses*, *Joshua* was eſtabliſhed Captain, and Conductor of
the people of God, and according as the Lord himſelfe
admoniſhed, if hee would haue happy ſuccell in his af-
faires.

(8)

Deut. 37. faires, he should not in any sort estrange himselfe from the
2. Law. ^{3. 10. 11.} for his part, desirous to make the Israelites
Jof. 5. & understand upon what condition God had given them the
24. Country of Canaan, as soon as they were entered into it, after
due sacrifices performed, he read the Law in the presence of all
the people, promising unto them in the Lord's name all good
things if they persisted in obedience; and threatening of all e-
vil if they wilfully connived in disobedience. Sommarily,
he assures them all prosperity, if they observed the Law; as o-
therways, he exprely declared, that in doing the contrary they
should bee utterly ruined: Also at all such times as they
left the service of God, they were delivered into the hands of
the Canaanites, and reduced into slavery, under their Tyranny.
Now this Covenant between God and the people in the times
of the Judges, had vigor also in the times of the Kings, and
was treated with them. After that *Saul* had been anoynted,
chosen, and wholly established King, *Samuel* speakes unto the
people in these termes: *Behold the King whom you have demanded*
2Sam. 12. *and chosen, God hath established him King over you, obey you therefore*
and serue the Lord, as well you, as your King which is established
over you, otherwise you and your King shall perish. As if hee
should say, you would have a King, and God hath given
you this King, notwithstanding thinke not that God will suf-
fer any encroachment upon his right, but know that the King is as
well bound to observe the Law as you, and if he faile therein, his
delinquency shall be punished as severely as yours: Briefly, accor-
ding to your desires *Saul* is given you for your King, to lead you into
the wars, but with this condition annexed, that he himselfe follow
the Law of God. After that *Saul* was rejected, because he kept not
2king. 2. 4. his promise, *David* was established King on the same condition, so
8&6. 12. also was his Son *Solomon*, for the Lord said, *If thou keep my Law, I*
will conserue with thee the Covenant which I contracted with David.
Now concerning this Covenant, it is inserted into the second book
of the Chronicles, as followeth. *There shall not fail thee a man in my*
2Chron. 6. *house to be under the Throue of Israel: yet so that thy children take heed*
16. & 7. 17. *to this way to walk in my Law, as when thou walked before me. But if*
2king. 33. *they forgo me, I will arrue them from the Land whereof I have given*
2. *them possession.* And therefore it was that the book of the Law was
Deut. 17. 18. called the book of the Covenant of the Lord, (who commanded
1Sam. 10. the Priests to give it the King) according to which *Samuel* put it
23. into

into the hands of *Saul*, and according to the tenure thereof *Yoseph* yeolts himself *feudatari* and vassal of the Lord. Also the Law which is kept in the Ark, is called the Covenant of the Lord with the children of Israel. Finally, the people delivered from the captivity of *Babylon*, doe renew the Covenant with God, and do acknowledge throughout that Chapter, that they worthily deserved all those punishments for their failing their promise to God. It appears 38.

then that the Kings swear as vassals to observe the Law of God, whom they confesse to be Sovereign Lord over all. Now according to that which we have already touched, if they violate their Oath, and transgresse the Law, we say that they have lost their kingdom, as vassalls loose their fee by committing felony. We have said that there was the same covenant between God and the Kings of *Judah*, as before, between God and the people in the times of *Yoseph* and the Judge. But we see in many places, that when the people hath despised the Law, or made covenants with *Baal*, God hath delivered them into the hands of *Egion*, *Tabin*, and other Kings of the *Cananites*. And as it is one and the same Covenant, to those which do break it, receive like punishment. *Saul* is so audacious to sacrifice, infringing thereby the Law of God, and presently after slays the life of *Agag*, King of the *Amalekitans*, against the express Commandement of God, for this occasion he is called Rebelling *Yannet*, and finally is chastized for his Rebellion. *Thou hast sacrificed, faith he, but thou hadst done better to obey God, for obedience is more worthy than sacrifice.* Then hast neglected the Lord thy God, he also hath rejected thee, that thou Reign no more over *Israel*. This hath been so certainly observed by the Lord, that the way children of *Israel* were deprived of their paternal inheritance, for that he having committed high Treason, did thereby incurre the punishment of Tyrants, which affect a Kingdom that no way appertains unto them. And not only the Kings, but also their children and successors have been deprived of the Kingdome by reason of such felony. *Solomon* revolted from God to worship Idols. Incontinently the Prophet *Abijah* foretels that the Kingdome shall be divided under his Son *Rehoboam*. Finally, the word of the Lord is accomplished, and ten Tribes which made the greatest portion of the Kingdome, doe quit *Rehoboam*, and adhere to *Jeroboam* his servant. Wherefore is this? for so much (saith the Lord) that they have left me to goe after *Asteroche*, the God of the *Sidonians* and *Chamus* the God of the *Moabites*, &c. I will also break in

²Chrcn. 6

11.

Nehem. 9

38.

Jud. 2. 24

& 4. 2. &c.

& 9. 33.

1Sam. 13.

13. & 15.

26.

peeces their Kingdome : as if he should say, they have violated the Covenant, and have not kept promise. I am no more then tied unto them, they will lessen my majesty, and I will lessen their Kingdome : Although they be my servants, yet notwithstanding they will expel me my Kingdome ; but I will drive them out themselves by *Jerobom* which is their servant. Furthermore, for so much as this servant, fearing that the ten tribes for the cause of Religion should returne to *jerusalem*, set up Calves in *Bethel*, and made *Israel* to sin, withdrawing by this meanes the people far from God, what was the punishment of so ingratfull a Vassall and wicked Traytor towards his Lord ? First, his son died, and in the end all his race, even unto the last of the males was taken from the face of the earth by the sword of *Baasa*, according to the judgement which was pronounced against him by the Prophet, because he revolted from the obedience of the Lord God: this then is cause sufficient, & often times also propounded, for the which God doth take from the King his fee, when he opposeth the Law of God, & withdraws himselfe from him to follow his enemies, to wit Idols, and as like crimes deserve like punishments, we read in the holy Histories that Kings of *Israel* and of *Juda* which have so far forgotten themselves, have in the end miserably perished. Now although the forme both of the Church, and the Jewish Kingdome be changed, for that that which was before inclosed within the narrow bounds of *Judea*, is now dilated throughout the whole World, notwithstanding the same things may be said of Christian Kings, the Gospell having succeeded the Law, and Christian Princes being in the place of those of *Jury* : There is the same Covenant, the same Conditions, the same Punishments, and if they faile in the accomplishing, the same God Almighty revenger of all perfidious disloyalty; and as the former were bound to keep the Law, so the other are obliged to adhere to the doctrine of the Gospel, for the advancement whereof these Kings at their anoynting, and receiving, doe promise to imploy the utmost of their means.

Herod fearing Christ, whose reign he should rather have defird, sought to put him to death, as it he had affected a Kingdome in this World, did himselfe miserably perish, and lost his Kingdome. *Julian* the Apostate did cast off Christ Jesus to cleave unto the Impiety and Idolatry of the Pagans : but within

within a small time after he fell to his confusion, the force of the armes of Christ, whom in mockery he called the *Galliean*. Antient histories are replete with such examples, neither is there any want in those of these times. Of late yeares divers Kings drunke with the liquor which the Whore of Babilon hath presented unto them, have taken armes, and for the love of the Wolfe, and of Antichrist, have made War against the Lambe of God, which is Christ Jesus, and yet at this day some amongt them doe continue in the same course: wee have seen some of them guin'd in the deed, and in the middest of their wickednesse, others also carried from their triumphs to their graves, those which survive and follow them in their courses have little reason to expect a better issue of their wicked practices, this sentence remaines always most certaine, *That though all the Kings of the earth doe conjure and conspire against Christ and indeavour to cut in peeces our Lambe, yet in the end they shal yeeld the place, and mangre their beards, confessing that this Lambe is the King of Kings, and Lord of Lords.* But what shall wee say of the Heathen Kings? Certainly althrough they be not anoynted and sacred of God, yet be they his Vassalls and have received their power from him, whether they be chosen by lot or any other meanes whatsoever. If they haue been chosen by the voyces of an Assembly, we say that God governs the heart of man, and addresses the minds and intentions of all persons whether he pleaseth: If it be by lot, the lot is cast in the lap, saith the wise man, but the whole disposing therof is of the Lord. It is God only that in all ages establisheth, and takes away, confirmes, and overthrowes Kings according to his good pleasure; In which regard Isaye calls *Cyrus* the anoynted of the Lord, and Daniel saith that *Nebuchadnezer* and other's have had their Kingdome committed unto them by God: as also Saint Paul maintains that all Magistrats haue received their authority from him: For althrough that God hath not commanded *Paganis* in expresse termes to obey him as he hath don those that haue knowledg of him: yet notwithstanding the *Paganis* must needs confess that it is by the soueraine God that they reign, wherefore if they will not yeeld the tribute that they owe to God in regard of themselves, at the least let them not attempt nor hinder the Soueraine to gather that which is due from those people which are in subjection to them; nor that they doe not anticipate, nor appro-

ps. 2. 2.
ps. 1. 10. 2.
Apoc. 19. 5.

pro. 16. 33.

Ez. 45. 1.
Dan. 2. 28
& 4. 24.
Rom. 13. 1.

priate to themselves divine Jurisdiction over them, which is the
 crime of high treason, and true tyranie, for which occasion the
 Lord hath grievously punished even the Pagan Kings themselves.
 It then becomes those Princes that will free themselves from so
 enormous a mischiefe, carefully to distinguish their jurisdiction
 from that of Gods, yea, so much the more circumspectly for that
 God and the Prince have their right of authority over one and the
 same Land, over one and the same man, over one and the same
 thing; man is composed of body and soule. God hath formed the
 body and infused the soule into him, to him only then may be at-
 tributed, and appropriated the commands both over the body and
 soule of man. If out of his mere grace and favour he hath per-
 mitted Kings to employ both the bodies and goods of their subjects,
 yet still with this Proviso and charge, that they preserve and defend
 their subjects; certainly Kings ought to think that the use of this
 authority is in such manner permitted, that notwithstanding the
 abuse of it is absolutely forbidden. First, those which confess
 that they hold their soules and lives of God, as they ought to ac-
 knowledge, they have then no right to impose any tribute upon
 soules. The King takes tribute and custome of the body, and of such
 things as are acquired or gained by the industry and travaille of
 the body, God doth principally exact his right from the soule,
 which also in part executes her functions by the body. In the
 tribute of the King are comprehended the fruits of the earth, the
 contributions of money and other charges, both real and person-
 all; the tribute of God is in Prayers, Sacraments, Predications of
 the pure word of God; briefly, all that which is called divine ser-
 vice, as well private as publick; these two tributes are in such man-
 ner divers and distinguished, that the one hateth nothing the other,
 the Exchequer of God takes nothing from that of ^{the King} ~~the King~~, but each
 of them have their right manifestly apart. But to speak in a word,
 whosoever confounds these things, doth heavea and earth together,
 and endeavours to reduce them into their first chaos, or later con-
 fusion. *David* hath excellently well distinguished these affairs,
 ordaining officers to looke to the right of God, and others for that of
 the King. *Joseph* hath followed the same course, establishing
 certaine persons to judge the causes that belonged to the Almighty,
 and others to looke to the justice of the King, the one to maintain
 the pure service of God, the other to preserve the rights of the
 King. But if a Prince usurpe the right of God, and put himselfe
 forward

1 Chron.
 26.29.
 2 Chron.
 19.11.

forward after the manner of the Giants to scale the Heavens, he is no less guilty of high treason to his Sovereigne, and commits felonie in the same manner, as if one of his vassals should seise on the rights of his Crown, and puts himselfe into evident danger to be dispoyled of his estates, and that to much the more justly, there being no proportion between God and an earthly King, between the Almighty and a mortall man ; whereas yet between the Lord and the vassell there is some relation of proportion. So often therefore as any Prince shall so much forget himselfe, as insolently to say in his heart I will ascend into heaven, I will exalt my throne above the stars of God : I will sit also upon the mount of the congregation in the sides of the North ; I will ascend aboye the heights of the clouds, I will be like the most high. But on the contrary, will the Almighty say I will rise up more high, I will set my selfe against thee ; I will raze out thy name and all thy posterity, thy counsels shall vanish into smoak, but that which I have once determined shall remaine firme, and never be annihilated. The Lord said un- ^{Esay 14. 13-14.} to *Pharao*, *let my people goe, that they may serve me, and offer sacrifice unto me*, and for that this proud man answered, that hee knew not the God of the Hebrews, presently after he was miserably de- ^{Exo. 5. & 8. &c.}stroyed. *Nebuchadnezar* commanded that his statue should be ado- ^{Dan. 3. 5. & 4. 25. &c.}red, and would be honoured as God, but within a short time the true God did deservedly chastise his unruly boldnesse, and desiring to be accounted God, he became a brut beast, wandering through desert places like a wild asse, untill (saith the Prophet) that he acknowledged the God of *Israel* to be the Sovereigne Lord over all, his sonne *Belisarius* abused the holy vessels of the Temple in *Je-
rusalem*, and put them to serve his excesse and drunkeynesse, for that therefore he gave not glory to him, that held in his hands both his soule and his counsels, he lost his Kingdome, and was slaine in that very night of his feasting *Alexander* the great took pleasure in the lies of his Flatterers, who termed him the sonne of *Jupiter*, and not only approv'd, but pro-cur'd his adoration, but a sudden death gave a sad period to those tryumphs, being blinded through his excesse of conquests, began with too much affection, to delight in *Antiochus*, under colour of pacifying and uniting his subjects, commanded all men to forsake the Lawes of God, and to apply themselves in obedience to his : hee prophaned the Temple of the Jewes, and polluted their Altars, but after divers ruines, defeats, and losse of battels, dispoyled, and disgraced, he dies with griefe, con- ^{1 Macha. 1. 43.} fessing

Mac. 6.12. seeing that he deservedly suffered those miseries, because he would
 have constrained the Jewes to leave their Religion. If we take into
 13. our consideration the death of *Nero*, that inhumane Butcher of
 Christians, whom he unjustly slandered with the stirring of *Rome*,
 being the abhorred act of his detested selfe. The end of *Caligula*,
 which made himselfe to be adored, of *Domitian* which would be
 called Lord and God, of *Commodus*, and divers others which would
 appropriate to themselves the honours due to God alone, we shall
 find that they have all and alwayes according to their deceits miserably
 perished; when on the contrary, *Trajan*, *Adrian*, *Anacrus* the courteous and others, have finished their dayes in peace, for al-
 though they knew not the true God, yet have they permitted the
 Christians the exercise of *their Religion*. Briefly, even as those re-
 bellious vassals which endeavour to possesse themselves of the King-
 dome, doe commit felonie by the testimony of all Lawes, and de-
 serve to be extirpated; in like manner those are as really guilty
 which will not observe the Divine Law, whereunto all men with-
 out exception owe their obedience, or which persecute those that
 desire to conforme themselves thereto, without herring them in
 their *just defenses*; now for that we see that God invests Kings into
 their Kingdomes, almost in the same manner that vassals are in-
 vested into their fees by their Sovereigne, we must needs conclude,
 that Kings are the vassals of God, and deserve to be deprived of
 the benefit they receive from their Lord if they commit felony, in
 the same fashion as rebellious vassals are of their estates. Their pro-
 mises being allowed, this question may be easily resolved; for if
 God hold the place of Sovereign Lord, and the King as vassall;
 who dare deny but that we must rather obey the Sovereign, then
 the vassall? If God commands one thing, and the King commands
 the contrary, what is then proud man that would term him a re-
 bell which refuseth to obey the King, where else he must disobey
 God? But on the contrary he should rather be condemned, and
 held for truly rebellious, which omitts to obey God, or which will
 obey the King when hee forbids him to yeeld obedience to God.
 Briefly, if God call us on the one side to entrole us in his service, and
 the King on the other, is any man so void of reason as he will not
 say we must leave the King, and apply our selves to Gods service;
 so farre be it from us to believe, that we are bound to obey a King,
 commanding any thing contrary to the Law of God; that consist-
 ing in obeying him we become Rebels to God; no more, no less
 then

then we would esteem a countrey man a Rebel, which for the love he bears to some rich and ancient inferiour Lord, would bear Arms against the Soveraigne Prince, or which had rather obey the writs of an inferiour Judge then of a superior, the commandments of a Lieutenant of a Province, then of the Prince; to be briefe, the directions of an officer rather then the expresse Ordinances of the King himselfe. In doing this we justly incurre the

Mich. 6.
16.

malediction of the Prophet *Micah*, which doth detest and curse

in the name of God all those which obey the wicked and perverse Ordinances of Kings. By the Law of God we understand the two Tables given to *Moses*, in the which, as in unremovable bounds the authority of all Princes ought to be fixed.

The first comprehends that which we owe to God, the second that which we must doe to our Neighbours; briefly, they containe piety and justice conjoyned with charity, from which the preaching of the Gospel doth not derogate, but rather authorise and confirme: The first Table is

esteemed the principall, as well in order as in dignity. If the Prince commands to cut the throat of an innocent, to pillage and commit extortion, there is no man (provided he have some feeling of con-

science) that would execute such a commandement. If the Prince have committed some crime, as Adultery, Parricide, or some other wickednesse, behold amongst the Heathen *the learned Lawyer*

Papinius which will reprove Caracalla to his face, and had rather die to con-

then obey, when his cruell Prince commands him to lie and palliate his offence; nay, although hee threaten him with a terrible death, yet would he not beare false witness; what shall we then

doe, if the Prince commands us to be Idolaters, if he would have us againe crucifie Christ Jesus, if he enjoys to blasphem and de-

spite God, and to drive him (if it were possible) out of Heaven, is there not yet more reason to disobey him, then to yeeld obedi-

ence to such extravagants commands: Yet a little further, seeing it is not sufficient to abstaine from evill, but that we must do good, instead of worshipping of Idols, wee must adore and serve the true God, according as he hath commanded us, and instead of bending our knees before *Baal*, we must render to the Lord the honest and service which he requires of us; for wee are bound to serve

God for his owne sake only: but we honour our Prince, and love our Neighbour, because and for the love of God. Now if it be ill

done to offend our neighbour, and if it be a capitall crime to rise against our Prince, how shall we intitle those that rise in rebellion

against the Majestie of the Soveraigne Lord of all Mankind; briefly,

There is a certaine Politician

time so de-

testable,

that he

hath dared

to con-

demne Pa-

ppi. in, and

to write in

his books

full of cr-

itors in

matter of

state, that

Papinius because he

would not

excuse the

paricide of *Car-*

calli did

bring irre-

parable

damages

to the af-

fairs of the

Empire.

as it is a thing much more grievous to offend the Creator, than the creature, man; then the Image he represents; and as in terms of Law, he that hath wounded the proper person of a King, is much more culpable, than another that hath only broken the statue erected in his memory: so there is no question, but a much more terrible punishment is prepared for them, which infringe the first Table of the Law, than for those which only sinn against the second; although the one depend of the other; whereupon it followes (to speake by comparison) that we must take more carefull regard to the observation of the first, than of the second. Furthermore, our Progenitors examples may teach us the rule we must follow in this case. King *Ahab* at the instigation of his wife *Jesabel*, killed all the Prophets, and servants of God that could be taken, notwithstanding *Abdias* Steward of *Ahab* house did both hide and feed in a Cave a hundred Prophets, the excuse for this is soon ready; in obligations, oblige they never so nearely, the divine Majestie must alwayes be excepted. The same *Ahab* enyoyned all men to sacrifice to *Baal*: *Elias* instead of couling or releasng did reprove more freely the King, and all the people, convinced the Priests of *Baal* of their impiety, and caused them to be executed. Then in despite of that wicked and furious *Jesabel*, and manger that wretched King, he doth redresse and reform with a divine and a powerfull endeavour the service of the true God. When *Ahab* reproached him (as the Princes of our times doe) that he troubled *Israel*, that he was rebellious, seditious, titles wherewith they are ordinarily charged, which are no way culpable thereof; nay, but it is thou thy selfe, answered *Elias*, which by thy Apostacie hath troubled *Israel*, which hath left the Lord the true God, to acquaint thy selfe with strange gods his enemies, in the same manner and by the leading and direction of the same spirit did *Sidrac*, *Misack*, and *Abednego* refuse to obey *Nebuchadnezar*, *Daniel*, *Darius*, *Eleazar* *Antiochus*, and infinit others. After the comming of Jesus Christ, it being forbidden the Apostles to preach the Gospel, Judge ye, (said they) whether it be reasonable as in the sight of God to obey men, rather then God; according to this the Apostles, not regarding neither the intendments nor designs of the greatnesse of the world, addressed themselves readily to doe that which their Master Jesus Christ had commanded them. The Jewes themselves would not permit that there should be set up in the Temple at *Jerusalem* the Eagle of silver, nor the statue of *Caligula*: what did *Ambrose* when the Emperour *Valentian* commanded him to give the Temple

1 King. 18.

4.

1 King. 18.

17.

Dan. 3. 18.

& 6. 10. 13.

Act. 4. 19.

Philo Iude-

us in his

discourse

of his

Biblic-

Sige to

Cyrus.

S. Ambro-

in the E-

pist. 3. 3.

ple at Milan to the *Arrians*? *Thy Counsellors and Captains are come unto me*, said he, *to make me speedily deliver over the Temple*, saying it was done by the Authority and command of the Emperor, and that all things are in his power. I answered to it, *That if he demanded that which is mine, to wit, mine inheritance, my money, I would not in any sort refuse it him*, although all my goods belong property to the poore, but the things divine are not in subjection to the power of the Emperor. What doe we think that this holy man would have answered, if he had been demanded whether the living Temple of the Lord should be enthrawled to the slavery of Idols. These Examples, and the constancy of a million of Martyrs, which were glorious in their deaths, for not yielding obedience in this kinde, according as the Ecclesiastical Histories, which are full of them, do demonstrate, may sufficiently serve for an expresse Law in this case. But for all this we have no want of a Law formerly written: For as often, and ever as the Apostles admonish Christians to obey Kings and Magistrates, they doe first exhort, and as it were by way of advice, admonish every one to subject himself in like manner to God, and to obey him before and against any whatsoever, and there is no where to be found, in any of their writings, the least passage for this unlimited obedience, which the flatterers of Princes do exact from men of small understandings. Let every soule, saith Saint Paul, be subject to the higher powers, for there is no power but of God: he makes mention of every soul, to the end it may not be thought, that he would exempt any from this subjection; we may easily gather by divers such speeches, that we must obey God rather than the King: For if we obey the King, because, and for the love of God certainly this obedience may not be a conspiracy against God. But the Apostle will stop the gap to all ambiguity in adding that the Prince is the servant of God for our good, to wit, to doe justice; from this necessarily follows that which we come from touching, that we must rather obey God, then him who is his servant. This doth not yet content Saint Paul for he adds in the end, Give tribute, honour, and feare to whom they appertaine, as if hee should say, that which was alledged by Christ, Give to Cesar ^{Math.22:21.} ^{1pet.2:17.} that which is Cesar's, and to God that which is God's: To Cesar tribute, and honour; to God feare. Saint Peter saith the same, fear God, honour the King; Servants obey your Masters not only the good and kindes, but also the rigorous; we must practice these precepts according to the order they are set downe in: to wit, that as

servants are not bound to obey their Masters if they command any thing which is against the lawes and ordinances of Kings; Subjects in like manner owe no obedience to Kings which will make them to violate the Law of God.

1 Object.

Certaine leud companions object, that even in the things themselves wherof concern the Conscience we must obey Kings, and are so shamed leffe, as to produce for witness of so wicked an opinion the Apostle Saint Peter and Saint Paul, concluding from hence, that we must yeld obedience to all that the King shall ordaine, though it be to imbrace, without reply, any Superstition he shall please to establish. But there is no man so grossly voyde of sense, that sees not the impiety of these men: we reply: that Saint Paul saith in expresse termes, we must be subject to Princes, not only for wrath, but also for conscience sake. In opposing conscience to wrath, it is as much as if the Apostle had said, that the obedience of which he speaks ought not to proceed for fear of punishment, but from the love of God, and from the reverence which we are bound to bear unto the word, in the same fense Saint Paul enjoyeth servants in such manner to obey them Masters, that it be not with eye

Rom. 13. 5. Col. 3. 22. service for fear of stripes, but in singlenesse of heart, fearing God, not simply, to acquire the favour of men, whom they may delude, but to bear the burden laid on their shoulders, by him whom no man can deceive. In briefe there is manifest difference between these two manners of speech, to obey for conscience sake, and to obey in those thing which concerne the conscience: otherwayes those which had much rather loose their lives with infinite torments then obey Princes which command them things contrary to the will of God, would have taught us that which

2 Object. these seek to perswade us to. Neither doe they expresse themselves leffe impudent in that which they are accustomed to object to those which are not so well able to answer them. That obedience is better than sacrifice, for there is no Text in holy writ that doth more evidently confound them then this, which is contained in Samuels reprehension of King Saul, for his disobedience to the Commandement of God, in sacrificing unsittingly. If then Saul although he were a King ought to obey God, it follows in all good consequence that subjects are

2 Sam. 13. 22. not bound to obey their King by offending of God. Briefly, those (which after the barbarous manner of the men of Calcut) seek to inthrall the service of God with a necessary dependance

on the will of a mutable man, and Religion of the good pleasure of the King, as if he were some God on earth, they doubtless little value the testimony of holy Writ: But let them (at the least) yet learn of a Heathen Orator. That in every publicke state, there are certain degrees of duty, for those that converse and live in it, by whence it may appear wherein the one are obliged to the other. Insomuch that the first part of this duty belongs to the immortal God, the second concerns the Country, which to their common Mother, the third, those which are of our blood, the other parts leading us step by step to our other Neighbours. Now although the crime of High Treason be very heinous, yet according to the Civilians, it altavies follows after sacrilege, an offence which properly pertaines to the Lord God and his service, insomuch that they do confidently affirm, that the robbing of a Church, is by them rates esteemed, a greater crime, than to conspire against the life of a Prince. Thus much for this first Question, wherein we persuade our selves, that any man may receive satisfaction, if he be not utterly void of the fear of God.

The second Question is; Whether it be lawfull to resist a Prince which doth infringe the Law of God, or ruine his Church, by whom, how, and how far it is lawfull.

This Question seems at the first view to be of a high and difficult nature, forsooth as there being small occasion to speak to Princes that fear God: On the contrary, there will be much danger to trouble the eas of those which acknowledge no other Sovereign but themselves, for which reason few or none have medled with it, and if any have at all touched it, it hath been but as it were in passing by. The Question is, if it be lawfull to resist a Prince violating the Law of God, or.ruining the Church, or hindring the restoring of it? If we hold our selves to the tenor of the holy Scripture, it will resolve us. For, if in this case it have been lawfull to the Jewish people (the which may be easily gathered from the books of the Old Testament) yet, if it have been enjoined them, I believe it will not be denied, that the same must be allowed to the whole people of any Christian Kingdom or Country whatsoever. In the first place it must be considered, that God having chosen Israel from amongst all the Nations of the Earth, to be a peculiar people to him, and convenanted with them, that they should be the people of God. This is written in divers places of Deuteronomy: the substance and tenor of this alliance was; That all should be careful in their several lines, tribes, and families in the land of Canaan to serve God purely, who would have a

Cicerio in
the first
book of
offic.

1.2. ad leg.
Jul. majest.
Digest.

Deut. 7.6.
& 14.2.

Church

Church established amongst them for ever, which may be drawn from the testimony of divers places, namely that which is contained in the 27. Chap. of *Deuteronomy*, there *Moses* and the *Levites* covenanting as in the name of God, assembled all the people, and said unto them : *This day Ob Israel art thou become the people of God, obey you therefore his voice, &c.* And *Moses* said, when thou hast passed the *River of Jordan*, thou shalt set six *Tribes* on the mountain of *Gerizim*, on the one side, and the six other on the Mountain of *Ebail*, and then the *Levites* shall read the *Law of God*, promising the observers all felicity, and threatening woe and destruction to the breakers thereof, and all the people shall answer, *Amen*. The which was afterwards performed by *Joshua*, at his entering into the Land of *Canaan*, and some few days before his death.

We see by this that all the people is bound to maintain the law of God to perfect his Church : and on the contrary to exterminate the *Idols* of the land of *Canaan*, a *Covenant* which can no wayes appertain to particulars, but only to the whole body of the people. To which also it seems the incamping of all the *Tribes* round about the *Ark of the Lord*, to have reference, to the end that all should look to preservation of that which was committed to the custody of all.

Now for the use and practise of this *Covenant* wee may produce examples, the *Inhabitants* of *Gabaa* of the *Tribe of Benjamin* ravished the wife of a *Levite*, which died through their violence. The *Levite* divided his wife into twelve pieces and sent them to the twelve *Tribes*, so the end that all the people together might wipe away this so horrible a crime committed in *Israel*. All the people met together at *Mizpah* and required the *Benjamites* to deliver to be punished those that were culpable of this enormous crime, which they refused to performe, wherefore with the allowance of God himselfe, the states of the people with an universall consent renounce and make war against the *Benjamites*, and by this means the authority of the second Table of the *Law* was maintained by the detriment and ruine of one entire *Tribe* which had broken it in one of the precepts. For the first we have an example sufficiently manifest in *Joshua*. After that the *Rubenites*, *Gadites*, & *Manassites* were returned into their dwellings beyond *Jordan*, they incontinently built a goodly Alter neer unto the river, this seems to contrary the commandement of the Lord, who expressly forbids to sacrifice any where but in the land of *Canaan* only, wherefore it was to be feared least these men intended to serve *Idols*. This busynesse being communicated to the people, inhabiting on this side *Jordan*; the place assigned for the meetings of the *States* was at

Judg. 19,
20.

Jos. 22

Silo

(2L)

Silo where the Ark of the Lord was. They all accordingly met, and Phineas the High Priest the son of Elasar was sent to the other to treat with them concerning this offence committed against the Law. And to the end they might know all the people had a hand in this busynesse, they sent also the principal men of every Tribe to complain that the service of God is corrupted, by this devite, that God would be provok-ed by this rebellion, and become an enemy, not only to the guilty, but also to all Israel, as he heretofore in Asyriay. Briefly that they shoudl denounce open warre against them if they delitid not from this their manner of doing. There moulf of necessity have followed much mischeife, if those Tribes be-yond Jordan had not protested, that they erred not. After one in four memorials that the Israelites both on the one and the other side of Jordan, both did and do profeesse one and the same Religion: and at all times when soever they have shewed themselves negligent in the maintenance of the service of God, wee have seene that they have ever beene punished. This is the true cause wherfore they lost two battles, against the Benjamites according as it appears in the end of the booke of Judges: for if so carefullly undertaking to punish the rape and outrage done to a particular person, they clearly conuincid themselves of much negligent prophaneuse in the maintenance of Gods right, by their continually negligence, omission to punish both corporall and spirituall whoredomes, there was then in these first times such a Covenant between God and the People. W

Now after that Kings were given unto the people, there was
19 little purpose of disannulling, or disbanding the former
covenant, that it was renewed and confirmed together. We
have formerly said, at the inaugurating of Kings, there was a
double Covenant treated of, to wit, between God and the King,
and between God, and the People. The agreement was not passed
between God, the King, and the People. On between the high-Priest
the people (which is named, in the first place in the 23. Chapter
in the 3. booke of the Chronicles,) and the King. The intention
of this was, that the people should be the people of God, which is as
much as to say, that the people should be the church of God, we have
shewed before to what end God contracted Covenants with
the King: Let us now consider wherfore also he allies himself
with the people. It is a thing most certaine, that God hath not

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A cove-
nant be-
tween God

the King &
the people.

2 King. 11.
17. & 23.

2 chron. 23

36.

29000 J.

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(47)

done thing in vain, and if the people had not authority to promise, and to have power, it were vanity for them to contract of God's name with them. It may seem then that God hath done like those creditors, which having to dealt with not very sufficient borrowers, take divers joyntly bound for one and the same sum, insomuch as two or more being bound one for another and each of them apart, for the entire payment of the total sum, he may demand his whole debt of which of them he pleaseth. There was much danger to commit the custody of the Church to one man alone, and therefore God did recommend, and put it in trust to all the people: The King being raised to so slippery a place might easily be corrupted, for feare least the Church should stumble with him. God would have the people also to be respondents for it, in the Covenant of which we speak. God, or (in his place) the High-Priest, are impulators, the King and all the people, to wit, Israel, doe joyntly and voluntarily assume, promise, and oblige themselves for one and the same thing. The High-Priest demands if they promise that the people shall see the people of God, that God shall always have his Temple, his Church, among them, where he shall be purely served. The King is respondent, so also are the people (the whole body) of the people representing as it were the office and place of one man, and jointly, but joyntly, as the words themselves make clear, being incontinent, and not by intermission or distance of time the one after the other. We see here then two undertakings, the King and Israel, which by consequence are bound one for another and each for the whole. For as when *Amos* and *Obadiah* have promised joyntly to pay to their Creditor *Amara* certain sum, each of them are bound for himself and his compaions, and the Creditor may demand the sum of either of them he pleaseth. In the like manner the King for himself, and Israel for it selfs are bound with all the rest of the Church, & than the Church he not diminished, neither of them be freedmen of their Covenant. God may command the whole or either of the two he pleaseth, and the more probably of the people then of the King, and for that many cannot so easily liberate as one, and have better means to discharge the debts then one alone. Be the number as great as men that are numbered, especially to the publick exchequer, the one is in fact impower bound for the other, but he can take

L. Mortuus
22. D. de si-
dei cogn.

L. it non
singul. C. 6
et. Per. I
p. 100. M
de mortu
2. & 3. leg
4. D. co-
dem.

5. mortu

L. cum pol.
D. de cen-
sib. & ibi
doctores.

(23)

take no benefit of the dissolution granted, by the new *Constitutions of Jamnia*: So likewise the King and Israel promising to pay tribute to God, which is the King of Kings, for accomplishment whereof, the one is obliged for the other.

And as two Covenanters by promise, especially in contracts, the obligitor whereof can inflict the Obligees to forfeitures and hazards, such as this is here the judgment of the one in judgment to the other: so that if Israel for sake their God, and the King makes no account of it, he is fully guilty of *divisa C. codem.*

In like manner, if the King follow after strange gods, and not content to be seduced himself, seeks also to attract his Subjects, endeavouring by all means to ruine the Church, if Israel seek not to withdraw him from his rebellion, and contain him within the limits of obedience, they make the fault of their King, their own transgression. Briefly, as when there is danger that one of the debtors by consuming his goods may be disabled to give satisfaction, the other must satisfy the creditor, who ought not to be entamaged, though one of his debtors have ill husbanded His estate, this ought not to be doubted in regard of Israel toward their King, and of the King towards Israel: in case one of them apply himselfe to the service of idols, or break their Covenant in any other sort, the one of them must pay the forfeiture and be punished for the other. Now that the Covenants of which we at this time treat, is of this nature, it appears also by other testimonies of Holy Scripture. *Sam. 13. 14. 25.*

Samuel Prieſt and Prophet of the Lord, speakes in this manner to the people. *Behold you and your King which is over you serve the Lord your God, but if you persevere in malice (he taxeth them of malice for that they preferred the government of a man before that of God) you and your King shall perish.* He adds after the reason, *For it hath pleased God to curse you for his people.* You see here both the parties evidently conjoined in the condition and the punishment: In like manner also King of Judah, by the counsel of the Prophet Hezekie, assembled all the people at Jerusalem, to wit, *Juda and Benjamin*, to enter into Covenant with God. Thither came also divers of the Tribe of Ephraim, Manasse, and Simeon, which were come thither to serve their Lord according to his own ordinance. After the sacrifices were performed according to the Law, the Covenant was contracted in these terms, *Whosoever shall not call upon the Lord God of Israel, be he the least or the greatest, let him die the death.* In making mention of the greatest, you see that the King himselfe is not excepted from the designed punishment.

(24)

2 king. 23. But who may punish the King, for here is question of corporal and temporall punishment? if it be not the whole body of the people so whome the King sweareth, and swilgeth himselfe, no more nor less, than the people due to the King, we read also that King *Josias* being of the age of twenty and five years, together with the whole people, doth make a Covenant with the Lord, the King and the People promising to keepe the Lawes and Ordinances of God, and even then for the better accomplishing of the tenour of this agreement, the Idolatry of *Baal* was prettily destroyed. If any will more exactly turne over the holy Bible, he may well finde other testimonies to this purpose.

But to what purpose should the consent of the people be required, wherefore should *Israel* or *Judea* be exprely bound to obserue the Law of God? for what reason shold they promise so solemnly to be forever the people of God? If it be denied, by the same reason that they had any authority from God, or power to free themselves from perjury, or to hinder the minne of the Church. For to what end shold it serve to caule the people to promise to be the people of God, if they must, and are bound to endure and suffer the King to draw them after strange Gods. If the people be absolutely in bondage wherefore is it commanded then, to take order that God be purely served? if it be so that they cannot properly oblige themselves to God, and if it be not lawfull for them by all to indeavour the accomplishment of their promise, shall we say that God hath made an agreement with them, which had no right neither to promise, nor to keep promise? But on the contrary, in this busynesse of making a Covenant with the people, God would openly and plainly shew, that the people hath right to make, hold, and accomplish their promises and contracts. For, if he be not worthy to be heard in publicke Court that will bargeine or contract with a slave, or one that is under tutillage, shall it not be much more shamefull to lay this imputation upon the Almighty, that he should contract with those which had no power to performe the conditions covenanted? But for this occasion it was, that when the Kings had broken their Covenants, the Prophets always addressed themselves to the house of *Judea* and *Israel*, and to *Samaria*, to adverstise them of their dutie. Furthermore, they required the people that they not only with-

l. quod at-
tinet. 32. 1.
D. de reg.
jur.

With-draw themselves from sacrificing to *Baal*, but also that they cast down his Idol, and destroy his Priests and service; yes, even *murder* the King himself. For example, *Ahab* having killed the Prophets of God, the Prophet *Elias* assembleth the people, and as it were convened the Estates, and doth there tax, reprehend, and reprove every one of them; the people at his exhortation doe take and put to death the Priests of *Baal*. And for so much as the King neglected his duty, it behoved *Israel* more carefully to discharge theirs without tumult, not rashly, but by *publicke authority*, the Estates being assembled, and the equity of the cause orderly debated, and sufficiently cleared before they came to the execution of justice. On the contrary, so often and always when *Israel* hath failed to oppose their King, which would overthrow the service of God, that which hath been formerly said of the two Debtors, the inability and ill husbandry of the one doth ever prejudice the other, the same hapned to them; for as the King hath been punished for his Idolatry and Disloyaltie, the people have also beeene chastised for their negligence, connivencie, and stupidity, and it hath commonly hapned, that the Kings have bin much more often swarved, and drawn others with them then the people, for so much as ordinarily the great ones mould themselves into the fashion of the King, and the people conformie themselves in humours to those that govern them; to be briefe, all more usually offend after the example of one, then that one will reform himselfe as he seeth all the rest. This which we say will perhaps appeare more plainly by examples; what doe we suppose to have been the cause of the defeat and overthrow of the Army of *Israel* with their King *Saul*. Doth God correct the people for the sinnes of the Prince? Is the child beaten instead of the Father? It is a discourse not easily to be digested, say the Civilians, to maintain that the children shold bear the punishments due for the offences of their Fathers; the Laws doth not permit that any one shall suffer for the wickednesse of another. Now God forbid that the Judge of all the world (with *Abraham*) shold destroy the innocent with the guilty: On the contrary, (with the Lord) as the life of the Father, so the life of the sonne is in my hands; the fathers shall not be put to death for the children, neither shall the children be put to death for the fathers; every man shall be put to death for his own sinne. That overthrow then, did it not proceed for that the people opposed not

1 Sam. 31.

Gen. 18. 4.
25.

Deut. 24.

16.

2 King. 14.

6.

Ezech. 18.

20.

SAM.

Saul, when he violated the Law of God; but applauded that miserable Prince when he wickedly persecuted the best men, as *David* and the Priests of the Lord. Amongst many other examples let us only produce some few. The same *Saul* to enlarge the possessions of the tribe of *Issachar* broke the publick faith granted to the *Gibonites*, at the first entry of the people into the land of *Canaan*, and put to death as many of the *Gibonites* as he could come by.

2 Sam. 21.
2.

By this execution *Saul* did break the third Commandment, for God had been called to witness this agreement, and the sixth also, in so much as he murthered the innocent; he ought to have maintained the authority of the two Tables of the Law, and therupon it is said, that *Saul* and his house have committed this wickednesse. In the mean time after the death of *Saul*, and *David* being establish'd King, the Lord being demanded, made answer, that it was already the third year that the whole country of *Israel* was afflic'ted with famine, because of this cruelty, and the hand of the Lord ceased not to strike, until that seven men of the tribe of *Saul* were given to the *Gibonites*, who put them to death, seeing that every one ought to bear his own burden, and that no man is effectually the inheritor of another's crime; wherefore they say, that all the whole people of *Israel* deserved to be punished for *Saul*, who was already dead, and had (as it might seeme) shut contumelie buried in the same grave with him, but only in regard that the people neglected to oppose a mischiefe so publick and apparent, although they ought and might have done it. Thinke you it reason, that any be punished unless they deserve it? And in what hath the people here sayled, but in suffering the offence of their King? In like manner when *David* commanded *Iosue*, and the Governors of *Israel* to number the people, he is taxed to have committed a great fault, for even as *Israel* provoked the anger of God in demanding a King, one in whose wisdom they seemed to reprobate their safety; even so *David* did much forget himself, in hoping for victory through the multitude of his subjects; for so much as that is properly (according to the saying of the Prophet) to sacrifice unto their net, and burst incerte unto them drag, a kind of abominable Idolatry; for the Governors, they seeing that it would draw evill on the people, a little drew back at the first; afterwards as it were, to be rid of the importunity they made the enrolment: in the mean season all the people are punished, and not *David* alone, but also

L. crimen.
26. D. de
penis

L. Sancti-
mus c. de
penis.

1 Sam. 24.
2.
2 Chron.
21. 2.

Abraham. 1.
16.

21. 22.

22. 23.

also the ancients of *Israel*, which represented the whole body of the people, put on sack-cloath and ashes; the which notwithstanding was not done nor practised when *David* committed those horrid crimes of murder and adultery. Who sees not in this last act, that all had sinned, and that all should repent; and finally that all were chastised, to wit *David* that had provoked God by so wicked a commandement, the Governors (as Peers and Affectors of the Kingdome, ought in the name of all *Israel* to have opposed the King) by their conivencie, and over weak resistance; and all the people also which made their appearance to be enroled. God in this respect did like a chiefe Commander, or Generall of an army, he chastised the offence of the whole camp, by a sudden alarm given to all, and by the exemplary punishments of some particulars to keep all the rest in better awe and order. But tell me wherefore after that the King *Manasseh* had polluted the Temple at *Jerusalem*, doe we read that God not only taxed *Manasseh*, but all the people also? was it not to advertise *Israel* one of the sureties, that if they keep not the King within the limits of his duty, they shoud all smart for it; for what meant the Prophet *Isaiah* to say, the house of *India* is in subjection to the *Assirians*, because of the impiety and cruelty of *Manasseh*? but that they were guilty of all his offences, because they made no resistance? wherefore S. *August.*
and S. *August.* said, *Peter* and *Pilat* condemned Jesus Christ, the *Priests* delivered him to be crucified, the people seem to have some compunction, notwithstanding all are punished; and wherefore so? for so much as they are all guilty of his death, in that they did not deliver him out of the hands of those wicked Judges, and Governors, there must also be added to this, many other proofes drawne from divers Authors for the further explication of this point, were it not that the testimonies of holy Scripture ought to suffice Christians. Furthermore, in so much as it is the duty of a good Magistrate, rather to endeavour to hinder and prevent a mischefe, then to chasise the delinquencies after the offence is committed, as good Physicians that prescribe a diet to allay and prevent diseases, as wel as medicines to cure them. In like manner a people truly affected to true religion, will not simply content themselves to reprove and reprende a Prince that would abolish the Law of God, but also will have speciall regard, that through malice and wickednesse he innovate nothing that may hurt the same, or that in tract of time may corrupt

2 King 24.

2 Chron.

33. ro.

Ier. 15. 4.

S. *August.*

upon Mat.

82.

Ambro. in

offic.

corrupt the pure service of God ; and instead of supporting publick offences committed against the divine Majesty, they will take away all occasions wherewith the offenders might cover their faults ; wee read that to have been practised by all *Israel* by a decree of Parliament in the assembly of the whole people, to remonstrate to those beyond *Jordan*, touching the Altar they had builded, and by the King *Eschias*, which caused the brasen Serpent to be broken. It is then lawfull for *Israel* to resist the King, which would overthrow the Law of God, and abolish his Church, and not only so, but also they ought to know that in neglecting to performe this duty, they make themselves culpable of the same crime, and shall bear the like punishment with their King.

If their assaults be verball, their defence must be likewise verball, if the sword be drawn against them, they may also take arms, and fight either with tongue or hand, as occasion is : yes, if they be assailed by surprisall, they may make use both of ambulcadoes, and countermines, there being no rule in lawfull war, that directs them for the manner, whether it be by open assailing their enemy, or by close surprising, provided alwayes, that they carefully distinguish betweene advantagious stratagems, and perfidious Treason, which is alwayes unlawfull.

But I see well, here will be an objection made, what will you say ? That a whole people, that beast of many heads, must they run in a mutinous disorder, to order the busynesses of the Commonwealth ? What addresse or direction is there in an unruly and unbridled multitude ? what counsell or wisdome, to manage the affaires of State ?

August. in
John. 23. q.
2.

Dominus
l. i. D. de
dolo malo

What is to
be under-
stood by
this word
people.

When we speak of all the people, we understand by that, only those which hold their authority from the people, to wit, the Magistrates, which are inferiour to the King, and whom the people hath substituted, or established, as it were Colonies in the Empire, and with a kind of Tribunall authority, to restrain the encroachments of Sovereignty, and to represent the whole body of the people. We understand also, the Assembly of the Estates, which is nothing else but an Epitome, or briefe collection of the Kingdome, to whom all publique affaires have speciall and absolute reference, such were the Seventy Ancients in the Kingdome of *Israel*, amongst whom the High Priest was as it were president, and they judges all matters of greatest importance, those Seventy being first cho-

sen by six out of each Tribe, which came out of the Land of Egypt, then the Heads or Governors of Provinces; In like manner the Judges and Provosts of Towns, the Captains of thousands, the Centurions and others which commanded over Families, the most valiant noble and otherwaies notable personages, of whom was composed the body of the States, assembled divers times as it plainly appears by the words of the holy Scripture. At the election of the first King which was *Saul*, all the Ancients of Israel assembled together at ^{1 Sam. 10:4.} Rama. In like manner and all Israel was assembled, or all *Judah* and *Benjamin*, &c. Now it is no way probable that all the people one by one met together there. Of this rank there are in every well-governed Kingdom, the Princes, the Officers of the Crown, the Peers, the greatest and most notable Lords, the Deputies of Provinces, of whom the ordinary body of the Estate is composed, or the Parliament, or the Diet, or other Assembly according to the different names used in divers Countries of the world, in which Assemblies the principall care is had both for the preventing and reforming either of disorder or detriment in Church or Commonwealth. For as the Councils of Basil and Constance have decreed (and well decreed) that the universal Council is in Authoritie above the Bishop of Rome. As in like manner the whole Chapter may over-ruke the Bishop, the Universitie, the Regor, the Court, the President: Briefly he whosoever he is that hath received authoritie from a Company, is inferior to that whole company, although he be superior to any of the particular Members of it. Also is it without any scruple or doubt, that Israel which demanded and established a King as Governor of the Publick must needs be above *Saul* established at their request, and for Israels sake as it shall be more fully proved hereafter. And for so much as an orderly proceeding is necessarily required in all affairs discreetly addressed, and that it is not so probably hopefull that order shall be observed amongst so great a number of people; yes, and that there ofteentimes occurs occasions which may not be communicated to a multitude, without manifest danger of the Commonwealth. We say, that all that which hath been spoken of privileges granted, and right committed to the people, ought to be referred to the Officers and Deputies of the Kingdom: and all that which hath been said of Israel, is to be understood of the Princes and Elders of Israel, to whom these things were granted and committed as the practice also hath verified.

The Queen Achazia after the death of her son *Achazia* King of ^{1 Chron. 33.} Judah

Judah, put to death all those of the royal blood, except little *Joas*, which being yet in the cradle was preserved by the piety and wisdom of his Aunt *Leboshabeab*. *Ashalia* posseseth her self of the government, and reigned six year over Judah. It may well be the people murmured between their teeth, and durst not by reason of danger express what they thought in their minds. Finally, *Jehoinda* the High-Priest the husband of *Leboshabeab*, having secretly made a league and combination with the chief men of the Kingdom, did nominate and Crown King his Nephew *Joas*, being but seven year old. And he did not conrear himself to drive the Queen-Mother from the royal Throne, but he also put her to death, and presently overthrew the Idolatry of *Baal*. This deed of *Jehoinda* is approved, and by good reason, for he took on him the defence of a good Cause, for he affailed the Tyranny, and not the Kingdom. The Tyranny (I say) which had no Title, as our modern Civilians speak. For by no Law were women admitted to the government of the Kingdom of *Judah*. Furthermore, that Tyranny was in vigor and practice: For *Ashalia* had with unbounded mischief and cruelty invaded the Realme of her Nephews, and in the administration of that Government committed, infinite wickedness, and which was the worst of all, had cast off the service of the the living God to adore and compel others with her the Idol of *Baal*. Therefore then was she justly punished, and by him which had a lawful calling and authority to do it. For *Jehoinda* was not a private and particular person, but the High-Priest, to whom the knowledge of civil causes did then belong: And besides he had for his Associates the principal men of the Kingdom the Levites, and being himself the Kings kin-man and ally. Now for so much as he assembled not the estates at *Mizpah* according to the accustomed manner, he is not reproved for it, neither for that he consulted and contrived the matter secretly, for that if he had held any other manner of proceeding, the busines must probably have failed in the execution and success.

A combination or conjuration is good or ill according as the end whereunto it is addressed is good or ill; and perhaps also according as they are affected which are the managers of it. We say then that the Princes of *Judah* have done well, and that in following any other course they had failed of the right way. For even as the guardian ought to take charge and care that the goods of his pupil fall not into losse and detriment, and if he omit his duty therein, he may be compelled to give an account thereof: In like manner those to

Bartol. de Tyrant.
nid.
Deut. 17.15.

*Bartol. in tract. de
Guelph. & Gibel.*

whole custody and tuition the people have committed themselves, and whom they have constituted their Tutors and defenders, ought to maintain them safe & entire in all their rights and priviledges. To be short as it is lawfull for a whole people to resist and oppole Tyranny, so likewise the principal persons of the Kingdom, may as heads and for the good of the whole body confederate and associate themselves together, and as in a publick State, that which is done by the greatest part is esteemed and taken as the act of all, so in like manner most it be said to be done which the better part of the most principal have acted, briefly that all the people had their hand in it, ¹⁰ But here presents it self another question, the which deserves to be considered, and amply debated in regard of the circumstance of time. Let us put the case that a King seeking to abolish the Law of God, or ruine the Church, that all the people or the greatest part yeild their consents, that all the Princes or the greatest number of them make no reckoning; and notwithstanding, a small handfull of people, to wit, some of the Princes and Magistrates desire to preserve the Law of God entirely and inviolably, and to serve the Lord purely: what may it be lawfull for them to do? if the King seek to compel those men to be Idolaters, or will take from them the exercise of true religion? We speake not here of private and particular persons considered one by one, and which in that manner are not held as parts of the spintie body; As the planks, the nails, the pegs, are no part of the Ship, neither the stones, the rafters, nor the rubbish, are any part of the house: but we speake of some Town or Province, which makes a portion of a Kingdom, as the pews, the poop, the keel and other parts make a Ship, the foundation, the roof, and the walls make a house. We speake also of the Magistrate which governs such a Cittie or Province. If we must make our defence with producing of examples, although we have not many ready by reason of the backwardness and carklessness of men when there is question to maintain the service of God, notwithstanding, we have some few to be examined and received according as they deserve. *Libna*, a Town of the Priests, withdrew it self from the obedience of *Joram* King of *Judah*, and left that Prince, because he had abandoned the God of his Fathers whom those of that Town would serve, and it may be they feared also, lest in the end they should be compelled to sacrifice to *Baal*. In like manner when that the King *Antiochus* commanded that all the Jews should imbrace his religion, and should forsake that which the

V. 1. 1624
1625. 1626. 1627
D. de reg. 1625.

Whether part of
a Kingdom may
make resistance.

John 2:173.
1 Chron. 4:17.
2 Chron. 31:10.

I Mac. I. 43.
& 3.23. & 3.
43.

1 Mac. 1. 43. &c. 22. &c. 1. 43.
10. 1 Mac. 6. 21. &c.
1 Mac. 6. 21. &c.
God Almighty had taught them. *Mattathias* answered, we will not obey, nor will we do any thing contrary to our religion; neither did he only speak, but also being transported with the zeal of *Phineas*, he killed with his own hands a Jew, which constrained his fellow Citizens to sacrifice to Idols; then he took arms and retired into the mountain, gathered troops, and made war against *Antiochus* for Religion and for his Country, with such success, that he re-gained *Jerusalem*, brok and brought to nothing the power of the Pagans which they had gathered to ruine the Church, and then re-established the pure service of God. If we will know who this *Mattathias* was, he was the Father of the *Maccabees* of the Tribe of *Levi*; insomuch as it was not lawfull for him according to the received custome and right of his race to restore the Kingdom by arms from the Tyranny of *Antiochus*. His followers were such as fled to the mountains together, with the inhabitants of *Modin*, to whom had adjoyned themselves divers neighboring Jews and other fugitives from sundry quarters of *Indeab*; all which sollicitously desired the re-establishment of the Church. Almost all the rest, yea, the principals obeyed *Antiochus*, and that after the rout of his army, and his own miserable death. Although there were then a fair occasion to shake off his yoke, yet the Jewes sought to the sonne of *Antiochus*, and intreated him to take on him the Kingdom, promising him fidelity and obedience. I might here produce the example of *Debora*. The Lord God had subjected *Israel* to *Iabin* King of *Canaan*, and they had remained in this servitude the space of twenty years, which might seem in some sort to have gaoed a right by prescription over the Kingdom; and together also that almost all *Israel* followed after strange gods. The principal and most powerful Tribes, to wit; *Reuben*, *Ephraim*, *Benjamin*, *Dan*, *Asher*, and some others, adhered wholly to *Iabin*. Yet notwithstanding the Prophetess *Debora* which judged *Israel*, caused the Tribes of *Zebulon*, *Nephthali*, and *Issachar*, on at the least some of all those Tribes, to take arms under the conduct of *Barac*, and they overthrew *Sisera* the Lieutenant of *Iabin*, and delivered *Israel*, which had no thought of liberty, and was content to remain in bondage; and having shaken off the yoke of *Canaanites* they re-established the pure service of the living God. But for so much as *Debora* seems to have an extraordinary vocation, and that the Scripture doth not approve in expresse terms the doings of them of *Libna*, although that in not disallowing of their proceedings, it may seem

in some sort to allow them, and for that the History of the *Macabees* hath had no great authoritie in the ancient Church and for that it is comonly held that an assertion must be proved by laws and testimonies, not by examples, let us examine by the effect what we ought to judge according to the right of the matter now in question. We have formerly said that the King did swear to keep the Law of God, and promise to the uttermost of his power to maintain the Church: that the people of *Israel* considered in one body covenanting by the High-Priest, made the same promise to God. Now at this present we say, that all the Towns, and all the Magistrates of these Towns which be parts and portions of the Kingdom, promise each of them in his own behalf, and in express terms the which all Towns and Christian Communitiess have also done, although it have been but with a tacite consent. *Joshua* being very old and near to his death, assembled all *Israel* at *Sichem* in the presence of God, to wit, before the Ark of the Covenant which was there. It is said that the Antients of the people, the Heads of the Tribe, the Judges and Governors, and all which had any publick command in the Towns of *Israel* met together there, where they swore to obseave and keep the Law of the Lord, and did willingly put on the yoke of the Almighty God: whereby it appears that these Magistrates did oblige themselves in the names of their Towns and Communitiess which did send them to take order that God should be served throughout the whole Countrie, according as he had revealed in his Law. And *Joshuah* for his part having passed this contract of agreement between God and the people and inscripted the whole according as it was done, for a perpetual memorial of the matter he incontinently set up a stone.

Joshua 24.

If there were occasion to remove the Ark of the Lord, The principals of the Countrey and Towns, the Captains, the Centurions, the Provosts, and others were summoned by the Decree and Commandment of *David*, and of the Synagogue of *Israel*, if there be a purpose of building the Lords Temple, the same course is observed. And to the end it be not supposed, that some alteration hath been inserted after the creation of Kings. In the times of *Joas* and *Josias*, when there was question of renewing the Covenant between God and the People, all the Estates met together, and all were bound and obliged particularly. Also not onely the King, but the Kingdome, and not onely all the Kingdome, but

¹ Chron. 22.
² Chron. 3.
¹ Kings 7.
² Chron. 22.
³ Kings 22.
² Kings 23.
² Chron. 23.

but also all the Pastors of the Kingdom promise each of them for their selves, fidelity and obedience to God. I say again, that not only the King and the People, but also all the Towns of Israel, and their Magistrates, oblige themselves to God, and as homagers to their liege lord tie themselves to be his for ever, with and against all men, for further proof of the aforesaid, I would entreat the Reader to diligently turn over the holy Bible, especially in the books of the *Kings* and the *Chronicles*. But for a yet more ample explication of this matter, let us produce for example what is in practice at this day. In the Empire of *Germany*, when the Emperor is to be crowned, the Electors and Princes of the Empire, as well Secular as Ecclesiastical, meet together personally, or else send their Ambassadors. The Prelats, Earls, and Barons, and all the Deputies of the Imperial Towns, come thither also, or else send special Proxies; then do they their homage to the Emperor, either for themselves, or for them whom they represent, with and under certain conditions: Now let us presuppose that one of these which hath done homage voluntarily, do afterwards endeavour to depose the Emperor, and advance himself into his place, and that the Princes and Barons deny their Sovereign the succours and tribute which they owe him, and that they have intelligence with that other which conspired and sought to possess himself of the Imperial Throne: Think you that they of *Straesborgh* or of *Nurembergh*, which have bound themselves by faith unto the lawful Emperor, have not lawful right to repel and exclude this trayterous Intruder? Yea, on the contrary, if they do it not, if they give not succours to the Emperor in this his necessity, think you that they have satisfied or performed their fealty and promise, seeing that he which hath not preserved his Governour when he had means to do it, ought to be held as culpable and guilty, as he which offered the violence and injury unto him. If it be so (as every one may sufficiently see it is) is it not their lawful for the men of *Libna* and of *Modin*? and doth not their duty enjoyn them to do as much as if the other Estates of the Kingdom have left God to whose service and pleasure they know and acknowledge themselves to be bound to render obedience. Let us imagine then some *Ioram* or *Amiochus* which abolisheth true Religion, and lifts up himself above God, that *Israel* connives and is content, What should this Town do which desires to serve God purely? First, they should say with *Isbua*, for their parts, look whom you desire rather to obey, the living God or the Gods of the Amorites, for our parts

L. 3. 1. Omne d. e.
lib. Sec. ult. D. de
remil.

14.15.

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we and our Families will serve the Lord. Chuse you then I say, if you will obey in this point him, which without any right usurps that power and authority which no way appertains unto him, for my part, hap what may, I will keep my faith to him to whom I promised it: I make no question but that *Jobna* would have done the uttermost of his endeavour to maintain the pure service of the living God in *Thannatbe Serache*, a Town of *Ephraim*, where his house and estate lay; if the Israelites besides had so much forgot themselves as to have worshipped the god of the Amorites in the land of *Canaan*. But if the King shold pass yet further, and send his Lieutenants to compel us to become Idolaters, and if he commands us to drive God and his service from amongst us; Shall we not rather shut our gates against the King and his Officers, then drive out of our Town the Lord which is the King of kings? Let the Burgesses and Citizens of Towns, Let the Magistrates and Governors of the People of God dwelling in Towns, consider with themselves that they have contracted two Covenants, and taken two Oaths: The first and most ancient with God, to whom the People have sworn to be his people: the second and next following, with the King, to whom the people hath promised obedience, as unto him which is the Governor and Conductor of the people of God: So then, as if a Vice-Roy conspiring against his Sovereign, although he had received from him an unlimited authority, if he should summon us to deliver the King whom he held besieged within the inclosure of our walls, we ought not to obey him, but resist with the uttermost of our power and means according to the tenour of our oath of Allegiance: In like manner think we that it is not a wickednes of all/most detestable, if at the pleasure of a Prince which is the vassal and servant of God, we should drive God from dwelling amongst us, or deliver him, (as far as in us lieth) into the hands of his enemies. You will say, it may be that the Towns appertain to the Prince. And I answer, that the Towns consist not of a heap of stones, but of that which we call people, that the people is the people of God, to whom they are first bound by oath: and secondly, to the King. For the Towns, although that the Kings have power over them, notwithstanding the right of inheritance of the Soyl belongs to the Citizens and Owners, for all that which is in a Kingdom, is indeed under the Dominion of the King but not of his proper Patrimony: God in truth is the only Lord proprietor of all things, and it is of him that the King holds his

1. Collet de forma
Fidei, &c. 1. de 15
nova fidel. form.

Senec. 1.7. de 26
ref. c. 6. 7. &c.

his royalties, and the people their Pattrimony. This is as much as to say, you will reply, that for the cause of Religion it shall be lawfull for the subjects to revolt from the obedience of their King, if this be once granted, it will presently open a gap to rebellion. But hearken I pray you patiently, and consider this matter more thoroughly: I might answer in a word, that of two things, if the one must needs be done, it were much better to forsake the King, then God; or with S. ~~Augustine~~ in his fourth book of the Catechism of God, chap. 4. and in the nineteenth book, and chapter the 21. That where there is no Justice, there is no Common-wealth, That there is no Justice, when he that is a mortal man would pull an other man out of the hands of the immortal God, to make him a slave of the devil, seeing that Justice is a vertue that gives to every one that which is his own, and that those which draw their necks out of the yoke of such Rulers, deliver themselves from the Tyrannie of wicked spirits, and abandon a multitude of robbers, and not the Common-wealth. But to re-assume this discourse a little higher, those which shall carry themselves as hath been formerly said, seem no waies accusable of the crime of revolt. Those are said properly to quit the King or the Common-wealth, which with the heart and purpose of an Enemy withdraw themselves from the obedience of the King or the Commonwealth, by means whereof they are justly accounted adversaries, and are oftentimes much more to be feared then any other enemies. But those of whom we now speak, do nothing resemble them. First they do in no sort refuse to obey,

L. 5. D. de sep. ministr. provided that they be commanded that which they may lawfully do, and that it be not against the honour of God. They pay willingly the Taxes, Customs, Imposts, and ordinary payments, provided that with these they seek not to abolish the tribute which they owe unto God. They obey Cesar while he commands in the quality of Cesar: but when Cesar passeth his bounds, when he usurps that Dominion which is none of his own, when he endeavours to assaile the Throne of God, when he wars against the sovereign Lord both of himself and the people, they then esteem it reasonable not to obey Cesar: and yet after this to speak properly, they do no acts of hostility. He is properly an enemie which stirs up, which provokes another, which out of military insolencie prepareth and setteth forth parties to war. They have been urged, and assailed by open violence and clefe and trecherous surprisall: when death and destruction environeth them round about, then they take armes, and wade their

their enemies assaults : you cannot have *Peace* with your enemies when you will ; for if you lay down your *weapons*, if you give over making *Warre*, they will not for all that disarme themselves, and take their advantage. But for these men, desire but place and you have it, give over but assayling them, and they wil lay down their *Armies*, cease to fight against *God*, and they wil presently leave the lists, will you take their *Swords* out of their hands, stabsteyn you only then from striking, seeing they are not the assaylants, but the defendants, sheath your *Sword*, and they will presently cast their *Buckler* on the ground, which hath been the reason that they have been often surprized by perfidious ambuscados, wherof these our times have afforded over frequent examples. Now is we cannot call that servant *Stuborne* or a *fugitive*, which puts by the blow, which his Lord strikes at him with his *Sword*, or which withdrawes or hides himself from his Masters fury, or shuns his Chamber dore upon him, untill his coler land heats be passedover, much less ought we to esteem those seditions, which holding the name and place of *Servants* and *subjects*, shut the gates of a *City* against their *Prince*, transported with anger, being ready to do all his just *Commandments*, after he hath recovered his judgement, and related his former indignation ; we must place in this rank, *David* *Commander* of the Army of *1 Sam.* *Israel*, under *Saul*, a furious King. *David* opprest with *Calumnies* and *21.22.* *fals Takkitions*, watched and way-layéd from all parts, he retired unto, *2 Sam.* and defended himselfe in unaccessible *Mountaines*, and provided for his *25.28.* *defence* to oppose the wallet of *Ceila* against the fury of the King, yea, he drew unto his party all those that he could, not to take away *Sauls* life from him, as it plainly appeared afterwards; but to defend his own *Gaule*: for wherefore *Isaiah* the *Seone* of *Saul*, made no difficulty, to make alliance with *David*, and to renew it from time to time; the which is called the *Alliance* of the *Almighty*. And *Abigail* saith in expresse words, that *David* was wrongfully assayled, and that he made the *Warre* of *God*. We must also place in this rank the *Machabees*; which having *Macha* good meanes to maintaine *Warres*, were contente to receive peace from *6. 60.* *King Demetrius*, and others, which *Antiochus* had offered them before, &c. because by it, they should be leuened in the free profession and exercise of their Religion. We may remember that those which in our times have fought for true Religion against *Antichrist*, both in *Germanie* and *France*, have laid down *Armies* as soone as it was permitted them to saye *God*, truly according to his *Ordinance*, and of *not* murthering *tyrannies* and *oppressions* to advance and maintaine the *Warre* to their much advantage as had *David* and the *Machabees*, where the *Phefis* constrained *Saul* to leave *him*

have David to looke to his owne defences, and those Clouds of neig-
hbouring enemies in Antioch sawe readye dissens upon his head, hinder-
ing him also from further pursuing the *Macabees*. See then the marks
which distinguish and separate sufficiently, those of whom we speak
from Rebels or seditionists.

Smaller as yet see other evident testimonies of the equity of their cause;
for their defection is of that nature, that take but away the occasion, if
some extreme necessity compell not the contrary, they presently return
to their former condition, and then you cannot properly say, they sepa-
rated themselves from the King, or the Communitie; but that they
left *Jerusalem*, and *Antioch*, or if you will, the Tyranny and unlawfull power
of one almighty if divers particuler, which had no authority nor right
to exact obedience in the like manner, as they commanded. The Sorbon-
nites Doctor have taught us the like sundry times: whereof we will al-
ledge some examples.

Annales Francie. About the year 1300. Pope Boniface the 8th seeking to appropriate to his
Archiva the charters that belonged to the Crown of France. Philip the faire,
the then King, doth tax him somewhat sharply, the tenor of whose cart-
camera letters are these.

Cautionary. Philip by the Grace of God, King of the French, to Boniface, calling himselfe
Sovereign Bishop, little or no health at all.

Letters. Be it knowne to the great faulthousse and unbounded rashnesse, that
in temporall matters we have only God for our iudicior, and that the
vacancy of certaine Churches, and pretends belongs to us by copiall prae-
gative, and that it appertaines to us only to gather the frutes, and we
will defend the possession thereof against all opposers, with the edge of
our Swords, and hunting them foole, and without braynes that hold a
contrary opinion. In these times all me haue acknowledged the Pope for
Gods Vicar on earth, and herd of the universal Church. I assure you, that
(as it is said) common straue went instead of a Law, notwithstanding

1. *Ex parte Sorbonis.* the Sorbonists being assembled, and demanded, made answer, that the
King and the Kingdome mighte fally without blame or danger of schisme,
if Philip did except them selves from his obedience, and flatly refuse that which the
Senat. Pope commandid, for so much as it is not the separation: but the cause
which makes the schisme, and if there were schisme, it should be only in
separating from Boniface, and not from the Church, nor from the Pope,
and that there was no danger or offence in so remaining untill some
soft and quiett time. Every one knowes indeed what pernicious
the consequence of a whole a Kingdome would fall, which held themselves
separated from the Church, if this distinction be not true. I would de-
mand

found new, if it be not yet more lawfull to make use of this distinction, when a King invades and encroacheth on the jurisdiction of God, and oppreßeth with hand & veritate, the souls dearly bought with the precious blood of Jesus Christ. Let us add another example.

In the year of our Lord 1408, when Pope Benedict the 13. did oppose the French Church by tributes, and exactions, the Clergy assembled; by the Command of King Charles the 6. decreed: that the King and Inhabitants of the Kingdom, ought not to obey Benedict, which was an Heretic, a schismatick, and altogether unworthy of that dignity: the which the Estates of the Kingdom approved, and the Parliament of Paris confirmed by a decree. The same Clergy also ordained that those which had been excommunicated by that Pope, as forakers, and enemies of the Church, should be presently absolved, nullifying all such excommunications, and this hath been practised not in France only, but in other places also. *Annales of France* *monstre-let.*
Historie de credibly report. The which gives us just occasion most perspicuously to see and know, that if he which holds the place of a Prince do govern ill, there may be a separation from him without incurring justly the blame of revolt; for that they are things in themselves directly contrary, to leave a bad Pope, and forake the Church, a wicked King, and the Kingdom. To returne to Chole of Lobna, they seeme to have for followed this before remembred expedient; for after the reestablishment of the service of God, they presently became again the subjects of King John. And if it is distinction be allowed place, when a Prince doth set on the rights of his Prince, which notwithstanding in some cases acknowledgeth him for his Sovereign. Is it not much more allowable, if a Prince which is a Vassall in that respect, endeavours to abuse and appropriate to himselfe the rights of God. Let us conclude then to end this discourse, that all the people by the authority of Chole, into whose hands they have committed their power, or divers of them may, and ought to reprove and repreſſe a Prince, which Commands things against God, in like manner, that all, or at the least, the priuipalſ of Provinces or Towns, under the authority of the chiefe Magistrates, established first by God, and secondly by the Prince, may according to Law and reason, under the entreaty of Idolatry, within the inclosure of their walleſ, and maintain their true Religion: yet further, they may extand the Canons of the Church, which is but one, and in failing hereof, if they have meaneſ to do it: they justly incur the penaltie of High-Treason against the Divines Majestie. *Extran. de majo. & obed.*

Whether private men may lawfully bear arms.
 It remayneth now that we speake of particularſ which are private per-

sons. First, particulars or private persons, are not bound to take up arms against the Prince which would compell them to become idolaters. The
 L. sicut covenants betwene God & all the people who promise to be the peo-
 7. S. 1. ple of God, doth not in any sort bind them to that; for as that which
 D. quid belongs to the whole universall body, is in no sort proper to particulars:
 enijsque universi so in like manner that which the body owes and is bound to performe,
 universi. cannot by any seancible reason be required of particular persons: nei-
 ther doth their duty any thing oblige them to it; for every one is bound
 to serve God in that proper vocation, to which this called. Now pri-
 vate persons they have no power, they have no publik command, nor any
 calling to unsheathe the sword of authority; And therefore as God
 hath not put the sword into the hands of privat men: so doth he not re-
 quire in any sort that they should strike with it. It is said to them, *put up*
thy sword into thy scabbard. On the contrary the Apostle saies of Ma-
 53. iestrates, they carry not the sword in vaine; If particular men draw it
 Rom. 13. forth, they make themselves Delinquents; If Magistrates be slow and ne-
 4. gligent to use it when just occasion is offred, they are likewise justly
 blamable of negligence in performing their duties, and equally guilty
 with the former. But you will say unto me, hath not God made a Coven-
 tanc, as well with particular persons as with the generality, with the
 Christ as well as the highest? To what purpose was Circumcision and Bap-
 tisme ordained? What meaneth that frequent repetition of the Coven-
 tanc in so many passages of holy writ? All this is true, but the consider-
 ation hereof is divers in their severall kinds: For as all the subjects of
 a good and trutiful Prince, of what degree soever they be are bound to
 obey him; but some of them notwithstanding have their particular duty,
 as Magistrates must hold others in obedience, in like manner all men
 are bound to serve God; but some as they are placed in a higher rankes,
 have received greater authority in so much as they are accountable for
 the offences of others, if they attend not the charges of the Communallity
 carefully.

The Kings, the Communallities of people, the Magistrates into whose
 hands the whole body of the Common-wealth hath committed the
 sword of authority, must and ought to take care that the Church be
 maintained and preserved, particulars ought only to looke that they ren-
 der themselves members of this Church. Kings and popular Estates are
 bound to hinder the pollation or ruine of the Temple of God, & ought
 to free and defend it from all corruption within, and all injury from
 without. Private men must take order that their bodies the temples of
 God, be pure, that they may be fit receptacles for the Holy-ghost to
 dwell

dwell in them. If any man defile the Temple of God, saith the Apostle, him shall God destroy, for the Temple of God is holy, which Temple ye are; 1 Cor. 3. to the former he gives the sword, which they bears to subduing: to the other he recommends the sword of the spirit only, i.e. wit, & the word of God, where with St. Paul armes all Christians, agaist the assaultes of the Devil, what shall then private men do? if the King will conserue them to serve Idols? If the Magistrates in whose hands the people hath conserued their authority, or if the Magistrates of the plaine, where these papall voulers dwell, do oppose these proceedings of the King, in the name of God, obey their leaders, and employ all their meaneas (as in the service of God) to ayd the holy and commendable enterprizes of those, which hypothesise themselves lawfully, against his wicked intention. Amongst others, they have the examples of the Captaines, and men of armes, which valiently and valiantly obreded the Prelate of York, which he tyed up by his hanes, purged the Church from all prophanation, & delivered the Kingdom from the tyranny of ~~Abellis~~. But if the princes, and Magistrates, approove the enterprizes of an outregeous and irreligious prince, & if they do not resist him, we must lend our selves to the Counsell of Iesu Christ, to win to serue Mat. our selves into some other place; we have the example of the faithfully 10. 23. mixed amongst the 10. tribes of Israel, who seeing the true service of God abolished by ~~Yerobam~~, and that none made any account of it, they ren- 2 Chron. dered themselves into the territories of ~~Isra~~, where Religion remained in 11. 13. her purity: let us rather forsake our livelihoods and live to the God, let us & 13.9. rather be crucified our selves, then crucifie the Lord of life: take not them Heb. 6. (saith the Lord) which can only kill the body: He himselfe, his Apostles, 6. and an infinite number of Christian martyrs, have taught us this by their Mat. 10. examples: shall it not then be permitted to any private person to resist by 28. Armes? what shall we say of ~~Mos~~, which lead Israel away in despite of Exod. King ~~Pharao~~? And of ~~Ehud~~, which after 40 years servitude, when Israel 12. &c. might seeme to belong by right of prescription, to him which held the Ind. 3. possession thereof, he killed ~~Egion~~, the King of ~~Mash~~, and delivered ~~Isra~~ 16. from the yoke of the ~~Moabites~~, and of ~~Iehu~~, which put to death his Lord 2 Kings the King ~~Iwan~~, extirpated the race of ~~Abub~~, and destroyed the Brethren of 9. ~~Beall~~, were not these particulars? Insuoy, that if they be considered in themselves, they may well be accounted particular persons, as forsooth as they had not any ordinary vocation: But seeing that we know that they were called extraordinarily, and that God himselfe hath (if we may so speak) put his sword into their hands, be it far from us to account them particular or private persons, but rather let us estimate them by many degrees, exceeding any ordinary Magistrates whatsoever. The calling of Moses

is approved by the express word of God, and by most evident instances, it is said of Saul, that God sent him up to kill the Tyrant; and delivered Israel; for when he was anointed by the Commandment of the prophet Eliezer, he to receive the name of Saul; besides that the principalities adulated him King, before he executed thy thing. There may as much be said of all the rest, whose examples are propounded in Holy writ. But when God almighty doth not speak with his own mouth, his commandments, directly by his Prophets, it is there that we ought to be exceeding careful, and stand upon our guard; lest any supposing he is inspired by the Holy Ghost, do attribute to himselfe the before mentioned authoritie, and would incite him to looke that he be not puffed up with vaineglory, and let him make use of God to himselfe of his iurisdiction, and faccine, to the extremitie; let him not therefore be conuicted with iniquity, least indeed of fraud he bring forth debuding lies. Let the people also be aduised on their parts, least in deeming to fight under the Standard of Jesus Christ, they runnot to their own confusio[n] to follow the Army of some Galilean Thunderson of *Sorcerers*; as it happened to the Pe[n]itents and Anabaptists of *Munster* in *Germany*, in the year 1525. I will not say, notwithstanding that the true God which doth punish our offences, hath sent us in these our dayes, both *Thunders* and *Lightning*, may not sometimes raise up extraordinary deliverances to his people; certainly his justice and his mercy continue to all men, firme and immutable. Now if these yable minnows appear not in former times, yet may yet at the least fall by the effects that God workes particularly in one heart, which is when we have our solidaire from all ambition, a true and sancte zeale, a right knowledge, and constancy, to fit being guided by the spirit of error or ambition, we rather make Adolls of our own imministrations, then serve and worship the true and living God, by his commandments. Furtherbo[th] to take a way at scripture, we must necessarily answer, those which esteem, or else would, that there shoule think they hold that opinion, that the Church ought not to be defended by Armes. They say with all that, it was now without a great mystery, that God did forbid in the Law, that the Alter should be made or aduertised with the help of any sculps of Iron; in like manner, that at the building of the Temple of *Solomon*, there was not heard any noise of Axe or hammer, or other tools of Iron; from whence they coll. & that the Church which is the lively Temple of the Lord, ought not to be reformed by Armes; yea, as if the stones of the Alter, and of the Temple, were hewed and taken out of the quarrys without any instrument of Iron, which the rest of the holy

Scriptura

Scripture doth sufficiently declare. But if we oppose to this greatly Allegory, that which is written in the fourth Chapter of the book of Nehemiah, that one part of the people, carried mōrōr, and another part stood ready with their weapons, that some held in one hand their swords, and with the other, carried the materials to the workmen, for the rebuilding of the Temple; to the end, by this means to prevent their enemies from raining their work, we say also that the Church is neither advanced, nor edified by these mortal weapons; but by these arms it is warranted, and preserved from the violence of the enemies, which will not by any means endure the increase of it. Briefly, there have been an infinite number of good Kings and Princes, (as Histories do witness) which by Arms have maintained and defended the service of God against Antichrist. They reply quidly to this, that Wars in this manner were allowable under the Law; but since the time that grace hath been offered by Jesus Christ, who would not set into *Iacobus* mounted on a bray horse, but mainly sitting on an ass. this manner of proceeding hath all now ended. The answer is, that a plague will descend upon the Earth during all the time that he reigneth. And in this war will be no man in the Office of a Judge, or King, but rather of a private person, and a Delinquent by imputation of our transgressions. So that it is an infringement, beside the purpose, to say that in such case magistrates' Arms. But I would willingly demand of such exceptionists, whether they think that by the coming of Jesus Christ into the Earth, that Magistrates have lost their right in the sword of Authority? If they say so, Saint Paul contradicts them, who saies that the Magistrate exerciseth not the sword in vain, and did not receive their authority and power against the violence of the恶 which had possessed the Earth. And if they consent to the laying of the sword to what purpose should the Magistrate bear the sword? Is it not to serve God, who hath committed it to them, to defend the good and punish the bad? Can they do better service then to preserve the Church from the violence of the wicked, & to deliver the flock of Christ from the swords of murtherers? It would demand of them, whether they think that all the use of Arms is forbidden to Christians. If this be their opinion, then would I know what them wherfore Christ did grant to the Centurian his request? What else did he give so excellent a testimony of him? wherfore doth St. Iacobus Bapst command the armes of Armes to content themselves with their pay, and not to use any extremitie that doth not let loose from them? Do I say their nothing? What else did Saint Paul say? Preached Christ, who was the first fruits of the Church, Prael whence comes it, that he did not in any sort

Rom. 13
4. Act.
23. 17.

Mat. 8.
9. 13.
Lnc. 3.
14.
Act. 10.

for what answer can he give to leave his charge? Now if to bear arms & to make war be a thing lawful, can there possibly be found any war more just, then that which is taken in hand by the command of the superiour, for the defence of the Church, and the preservation of the faithfull? Is there any greater tyranny, then that which is exercized over the soul? Can there be imagined a war more commendable then that which suppresseth such a tyranny? For the last point, I would willingly know, of these men, whether it be absolutely prohibited Christians, to make war upon any nation whatsoever? If they say that it is forbidden them: from whence comes it then that the men at Armes, Captains, and Centurions, which had no other employment; but the managing of Armes were alwaye received upon the Church? wherefore do the ancient Fathers, and Christian Historians make so horrible mention, of certain legions composed wholly of Christian Soldiers, and amongst others of that of *Malas*, so renowned; for the victory which they obtyned, and of that of *Thessal*, at the which *St. Maximian* was Generall, who suffered martirdom toged ther with all his Troopes for the confessing of the name of Jesus Christ? And if it be permitted to make wars (as it may be they will confesse), to keape the limits and bounds of a Countrey, and to repulfe an invadung enemy: is it not yet a thing much more reasonable, to take Armes to preserue and defend honest men, to suppresse the wicked, and to keape and defend the limits and bounds of the Church, which is the Kingdom of Jesus Christ? if it were otherwise, to what purpos? Should *St. John* have foretold, that the whore of Babylon shall be finally ruined by the so Kings, whom he hath bewitched? furthermore if we hold a contrary opinion, what shall we say of the wars of *Constantine*, against *Maxentius* and *Licinius*, celebrated by so many publick orations, and approoves by the Testimony of so innumerable number of learned men, what opinion then should we hold of the many voyages made by Christian Princes, against the Turkes and Sarrazins to conquer the holy Land, who had never, or at the least, ought not to have had, any other end in their designes; but to hinder the enemy from ruining the Temple of the Land, and to restore the integrity of his service unto those Countries. Although then that the Church be not assailed by Armes, notwithstanding it may be justly preserued by the means of Armes; I say further, that those that dye in the field for a war, are no less the Martyrs of Jesus Christ, then their brethren which were put to death for Religion; nay, they which dye in that war seeme to have his approvance, that with a free will & knowe joy sufficiently hazard into which they call themselves notwithstanding, do courageously expell their kyng to death and danger; whereas

Apoc.

27.26.

the

other do only not refuse death, when it beloveth them to suffer. The *Turkes* strive to advance their opinion by the meanes of Armes, and if they do subdue Country, they presently bring in by force the impieties of *Mahomet*; who in his *Alcoran*, hath so recommended Armes: as they are not ashamed to say it is the ready way to Heaven, yet do the *Turkes* constrain no man in matter of conscience. But he which is a much greater adversary to Christ, and true Religion, with all those Kings whom he hath enchanted, opposeth fire and fegots, to the light of the Gospel, tortures the word of God, compelling by wracking, and torment, as much as in him lieth: all men to become Idolaters: and finally is not ashamed, to advance and maintain their faith and law by perfidious disloyalty, and their traditions by continuall treasons. Now on the contrary, those good Princes and Magistrates, are said properly to defend themselves, which invitone and fortisie by all their meane and industry the vine of Christ, already planted, to be planted in plentie where it hath not yet been, least the wild boore of the Forrest should spoyle or devoure it. They do this (I say) in covering with their Buckler, and defending with their sword, those which by the preaching of the Gospel have been converted to true Religion, and in fortifying with their best ability, by ravelins, ditches, and rampers the Temple of God built with lively stones, untill it have attayned the full heigh, in despite of all the fusions of souls of the enemies thereof, we have lengthened out this discourse thus far, to the end, we might take away all scruple concerning this question. See then the Estates, and all the Officers of a Kingdom, or the greatest part of them, every one established in authority by the people: know, that if they containe not within his bounds (or at the least, imploy not the utmost of their endeavours thereto) a King that seekes to corrupt the Law of God, or hinders the reestablishment thereof, that they offend grievously against the Lord, with whom they have contracted Covenants upon those conditions. Those of a Town, or of a Province, making a portion of a Kingdom, let them know also, that they draw upon themselves the judgement of God, if they drive not impiety out of their walls and confines, if the King seeke to bring it in, or if they be wanting to preserve by all meanes, the pure Doctrine of the Gospel, although for the defence thereof, they suffer for a time banishment, or any other misery. Finally, more private men must be all advertised, that nothing can excuse them, if they obey any in that which offendeth God, and that yet they have no right nor warrant, neither may in any sort by their private authority take armes, if it appear not most evidently, that they have extraordinary vocation thereunto, all which our discourse will suppose we have confirmed by pregnant Testimonies drawn from holy writ.

THE THIRD QUESTION.

whether it be lawfull to resist a Prince which doth oppress or ruine a publicke State, and how far such resistance may be extended by whom, how, and by what right, or law it is permitted.

Of so much as we must here dispute of the lawfull authoritie of a lawfull Prince, I am confident that this question will be the lesse acceptable to Tirants, and wicked Princes; for it is no marvell if those which receive no law, but what their own will, and fassie dictates unto them, be deaf unto the voyce of that law which is grounded upon reason. But I perswade my selfe that good Princes will willingly entertaine this discourse, insomuch as they sufficiently know that all Magistrates, be they of never so high a rancke, are but an inanimated and speaking law, neither though any thing bee pressed home against the bad, can it fall within any inference against the good. Tirants and Kings, as also good and bad Princes are in a direct diametrical opposite and contrarie; therefore that which shall be urged against Tirants, is so farre from detracting any thing from Kings, as one the contrary, the more Tirants are laid open in their proper colours, the more glorious doth the true worth, & dignitie of Kings appear: neither can the vicious imperfections that oce be layd open but it gives addition of perfections, and respect to the honour of this other. But for Tirants, let them say and think what they please, that shall be the least of my care; for it is not to them, but again them that I write; for Kings I believe that they will readily conftine to that which is propounded, for by true proportion of reason they ought as much to hate Tirants and wicked governors, as Shepheards, harte wolves, Physicians, Impoysoners, true Prophets, fasse Doctors, for it must necessarily orient this reason intuseth into good Kings as much hatred against Tirants, as naturall imprints herte doges against wolves, for as the one live by rapine and spoyle, so the o. herte is borne or bred to redrefe and prevent all such outrages. It may be the flatterers of Tirants will cast a supercitious aspece on these lines; but if they were not past all grace, they would rather blush for shame. I very well know that the friends and faihfull seruants of Kings will not onely approve and lovingly entertain this discourse but also with their best abilities defend the contents thereof accordingly, when as the reader shall find himselfe moved either with content, or dislike in the reading hereof, let him know that by that he shall plainly discouer either the affection, or hatred that he beares to Tirants, let us now enter into the matter.

What say you then? Kings are made by the People.

We have shewed before that it is God, that doth appoint Kings, which chuseth them, which gives the Kingdom to them: now we say that the people establish Kings, putteth the Scepter into their hands, and which with their suffraes, approveth the election. God would have it done in this

manner to the end, that the Kings should acknowledge, that after God they held their power and sovereignty from the people, and that it might the rather induce them, to apply & addres the utmost of their care and thoughts for the profit of the people, without being puffed with any vain imagination: that they were formed of any matter more excellent then other men; for which they were raised so high above others: as if they were to command over flocks of sheepe, or heards of Cattel; but let them remember and know, that they are of the same mould and condition as others, raised from the earth by the voice and acclamations: now as it were upon the shoulders of the people unto their thrones, that they might afterwards bear on their own shoulders the greatest burthens of the Common wealth. Divers ages before that, the people of Israel demanded a King. God gave and appointed the Law of royall government: contained in the 17. Chapter. ver. 14. of Dent. when sayes Moses, thou art come unto the Land which the Lord thy God giveth thee, and shalt possesse it, and shalt dwell therein, and shalt say, I will set a King over me like as all the Nations that are about me, thou shalt in any wise set him whom the Lord thy God shall choose from amongst thy brethren, &c. You see here, that the election of the King is attributed to God, the establishment to the people: now when the practice of this law came in use, see in what manner they proceeded. The Elders of Israel which presented the whole body of the people, (under this name of Elders, are comprehended the Captains, the Centurions, Commanders over fifties and tens, Judges, provosts; but principally the chiefest of tribes) came to meete Samuel in Ramah, and not being willing longer to endure the government of the sonnes of Samuel, whose ill carriage had justly drawn on them: the peoples dislike, and withall persuading themselves that they had found the meanes to make their warres hereafter with more advantage: they demanded a King of Samuel, who asking Councell of the Lord, he made knowne that he had chosen Saul for the Goverour of his people. Then Samuel incited Saul, and performed all those rights which belong to the election of a King required by the people. Now this might perhaps have seemed sufficient, if Samuel had presented to the people the King that was chosen by God, and had admonished them all to become good and obedient subjects. Notwithstanding to the end, that the King might know that he was established by the people, Samuel appointed the Estates to meete at Mizpah, where being assembled as if the busynesse were but then to begin, and nothing had 154. 20. &c. already been done, to be brief as if the election of Saul were then only to be treated of, the lot is cast and falls on the Tribe of Benjamin, after on the family of Merri, and lastly on Saul, born of that family who was the same that God had chosen; Then by the consent of all the people Saul was declared King. Finally, to the that Saul nor any other might attribute the aforesaid 155. busynesse to chance of lot, after that Saul had made some prooef of his valour 11.

in laying the siege of the *Ammonites* in *Labish Gilon*: some of the people preferring the businesse he was again confirmed King in a full assembly at *Gilgal*; you see that he whom God had chosen, and the Lord had separated from all the rest, is established King by the suffrages of the people.

¶ And for *David*, by the Commandement of God, and in a manner more evident then the former, after the rejection of *Saul*, *Samuel* anointed for King ouer Israel *David* chosen by the Lord, which being done the spirit of the Lord presencyly left *Saul*, and wrought in a speciall manner in *David*. But *David* notwithstanding reigns not, but was compeled to save himselfe in deserts and rocks, often times falling upon the very brink of destruction, and never reigned as King till after the death of *Saul*: for then by the suffrages of all the people of *Indab* he was first chosen King of *Indab*, and seaven yeares after by the consent of all *Israell*, he was inaugurate King of *Israell* in *Hebron*. So then he is anointed first by the Prophet at the commandement of God, as a token he was chosen, secondly by the commandement of the people when he was established King. And that to the end that Kings may alwayes remember
 m. 2. that it is from God; but by the people, and for the peoples sake that they doe raignt, and that in there greate they sy not (as is there custome) that they hold their Kingdome only of God and there sword, but withall add that it was the people which first girt them with that sword. The same order offered in *Solomon*, although he was the Kings soone God hath chosen
 m. *Solomon*, to si upon the Throne of his Kingdome, and by expresse words had promised *David* to be with him and assist him as a Father his soone. *David* had with his one mouth designed *Solomon* to be successor to his Crowne in the presence of some of the principall of his Court. But this was not enough, and therefore *David* assembled at Jerusalem the Princes of *Israell*, the heads of the Tribes the Capitaines of the Souldiers and ordainte officers of the Kings, the centurions & other Magistrates of Towns together with his sons, the noble men and worthiest personages of the Kingdome, to consult and resolve upon the election. In this Assembly after they had called upon the name of God, *Solomon* by the consent of the whole congregation proclaimed and anointed for King, and sat (so saith the text) upon the Throne of *Israell* then and not before the Princes the Noblemen his brothers themselves do him homage, and take the Oath of Allegiance. And to the end that it may not be said, that that was onely done to avide occasion of difference, which might arise amongst the brothers the sonnes of *David* about the succession, we reade that the other following Kings have in the same manner beene established in their places, it is said, that after the death of *Solomon*, the people assembled to create his sonne *Roboam* King. After that *Amaziah* was killed, *Ozias* his onely sonne was chosen King by all the people, *Ochias* after *Ioram*, *Ioachim*, the sonne of *Iosua*, after the disease of his Father, whose piety might well seeme to require

require that without any other solemnity, notwithstanding both he and the other were chosen and invested into the roiall Thrones by the suffrages of the people. To which also belongs, that which *Husbas* said to *Abiobas*, nay; but whom the Lord and this people, and all the men of *Israel* chuse, his will I be, and with him will I abide, which is as much as to say, I will follow the King lawfully established, and according to the accustomed order; wherefore although that God had promised to his people a perpetuall Lampe, to wit, a King, and a continual succour of the Line of *David*, and that the successors of the kings of this people were approved by the word of God himselfe. *Sam.* *13. 1* notwithstanding, since that we see that the Kings have not reigned, before the people had ordained and installed them, with requisite Ceremonies: it may be collected from this, that the Kingdom of *Israel*, was hereditary, if we consider *David* and the promise made to him, and that it was wholly electiv, if we regard the particular persons. But to what purpose is this, but to make it apparent, that the election is only mentioned, that the Kings might have alwayes in their remembrance, that they were raised to their dignities by the people, and therefore they shoulde never forget during life, in what a strict bond of obseruance they are tyed to chose from whom they have received all their greatness. We read that the Kings of the Heathen have beene established also by the people; for as when they had either troubles at home, or warres abroad, some one in whose ready valour, and discrete integrity, the people did principally relye and repaile their greatest *Hero.* *lib. 1* *Cicer.* *do off.* *Tit.* *vi. lib.* confidence, him they presently with a universall consent constituted King. *Cicero* saith, that amongst the *Medes*, *Dioeces* from a Judge of private controversies was for his uprightness, by the whole people elected King, and in the same manner were the first Kings chosen amongst the *Romans*. Insomuch, that after the death of *Romulus*, the interrayde and Government of the hundred senators, being little acceptable to the *Quirates* it was agreed that from thence forward, the Kings should be chosen by the suffrages of the people, and the approbation of the Senate. *Forquinus Superbus* was therefore esteemed a tyrant, because being chosen neither by the people nor the Senate, he intruded himself into the Kingdom only by force and usurpation; Wherefore *Julius Caesar* long after though he gained the Empire by the sword, yet to the end he might adde some shaddow or pretence of right to his former intrusion, he caused himself to be declared both by the people and Senate perpetually dictator. *Augustus* his adopted sonne woulde never take on him as inheriter of the Empire, although he were declared so by the testaments of *Cesar*, but alwaies held it as of the people and Senate. The same also did *Tiberius*, *Caligula* and *Claudius*, and the first that assumed the Empire to himself without any colour of right, was *Nero* who also by the Senate was condemned. Briefly for so much as none were ever borne

born with Crowns upon their heads, and sceptres in their hands, and that no man can be a King by himself nor reign without people; whereas on the contrary the people may suffice of themselves, and were long before they had any Kings, it must of necessity follow that Kings were at the first constituted by the people. And although the sons and dependants of such Kings inheriting their fathers virtues, may in a sort seeme to have rendered their Kingdoms hereditary to their off-springes and that in some Kingdoms and Countries the right of free election seems in a sort buried, yet notwithstanding in all well ordered Kingdoms this custome is yet remaining, the sons do not succeed the fathers, before the people first have as it were a new established them by their new approbation; neither were they acknowledged in quality as inheriting it from the dead, but approved and accounted Kings then only when they were invested with the Kingdom, by receiving the Scepter and Diadem from the hands of those who represent the Majesty of the people. One may see most evident marks of this in Christian Kingdoms, which are at this day esteemed hereditary, for the French King, he of Spain and Eng[land] and others are commonly sacerd[ocies]t, and as it were par into posession of their authority by the Peeres, Lords of the Kingdom, and Officers of the Crowns which represent the body of the peoples; no more, nor lesse then the Emperours of Germany are chosen by the Electors, and the Kings of Polonia, by the yarwodes and Pallatines of the Kingdom, where the right of Election is yet in force. In like manner also, the Cities give no royal recepcion, nor entries unto the King but also their inauguration, and anciently they used not to count the times of their reign but from the day of their coronation, the which was strictly observed in France. But least the continued course of some successions should deceive us, we must take notice that the estates of the Kingdoms have often preferred the colen before the sonne, the younger brother before the Elder as in France Lewis was preferred before his brother Robert Earle of Eurenx: [*Annales Guij.*] in like manner Henry before Robert Neplaw to Capit. Nay which is more by authority of the people in the same Kingdom, the Crown hath bin transported (the lawfull inheritors living) from one lineage to another as from that of Merow to that of the Charlemains, and from that of the Charlemains to tha of the Capets, the which hath also bee re done in other Kingdoms as the best Historians testify; But not to wonder from France the long continuance and power of which Kingdom may in some sort plead for a ruling authority, and where succession seems to have obtained most operation. We read that Pharamond was chosen in the year 419 Pepin in the year 751. Charles the Great and Carleman the sonne of Pepin in the yeare 768 without having any respect to their Fathers former estate. Carleman dying in the yeare 772. his portion fell not presently into the possession of his brother Charles the great, as it ordinarily happens in the succession of inheritances, but by the Ordinance of the people and the estates of

the Kingdom he is invested with it. the same author witnesseth that in the year 713. *Louis the Courteous*, alchough he were the sonne of *Charles the great* was also elected: and in the Testament of *Charlemagne* inserted into the history written by *Naucler*, *Charlemagne* doth instructe the people to chuse by a generall assembly of the Estates of the Kingdom which of his Grand-children or Nephews the people pleased, and commanding the Vacies to observe and obey the Ordinance of the people, by meanes whereof *Charles the bald* nephew to *Louis the courteous* and *Judith*, doth declare himself to be chosen King, as *Amonius the French historian* recites.

To conclude in a word, all Kings at the first were alreade therre elected, and thole which at this day seeme to have their Crown and Royall authority by inheritance, have or shold have first and principally their confirmation from the people. Briefly although the people of some Countries have been accustomed to chuse their Kings of such a lineage which for some notable merit have worthily deserved it; yet we must believe that they chuse the stocke it self and not every branch that proceeds from it neither are they so tied to that election, as if the successor degenerateth they may not chuse another more worthy, neither those which come and are the next of that stocke are bornie Kings but created such, nor called Kings but Princes of the blood royall.

The whole body of the people is above the King.

Now seeing that the people chuse and establish their Kings, it followeth that the whole body of the people is above the King, for it is thing most evident that he which is established by another is accounted under him that hath established him, & he which receives his authority from an other is inferior to whom he deuiles his power. *Potiphar the Egyptian* letteth *Joseph* over all his House, *Nebuchadnezzar* or *Daniel* over the Province of *Babylon*, *Darius* the sixscore governors over the kingdom. It is comonly said that *Mrys* establish their servants, *Kings* their officers: In like manner alio the people establish the King as administrator of the Common wealth. Good Kings have not disdained this title; yea, he bad ones themselves have affected it: in so much as for the space of divers Ages no Roman Emperor (if it were not some absolute tyrant, as *Nero*, *Domitian*, *Caligula*) would suffer himselfe to be called Lord; Furthermore, it must necessarily be that Kings were instituted for the peoples sake, neither can it be, that for the pleasure of fifti hundred of men, and without doubt more foolish and worse then many of the other, all the rest were made, but much rather that these hundred were made for the use and service of alio the other, and reason requires that he be preferred above the other. What was made only to end for his occasion to it is that for the shipp, saie, the owner appoints a pilot over her, who sees the he m, and looks that she keeps her course, nor run not upon any dangerous shalfe, the pilot doing his duty is obeyed by the Mariner; yea, & of him himselfe that is owner of the shipp notwithstanding, the pilot is a servant as well as the

least in the ship, from whom he on'y diff'res in this tha: he servs in better p'ace than they
 do. In a Common-wealth comonion y compared to a ship the King holds the p'ace of py-
 lot, the pe ple in general are owners of the vessel, obeying the ylot whi:ch he is carfull
 of the publique good; although this ylot neither is nor ought to be esteemed other then
 servant to the publique, as a Judge or General in war diff'res little from other officers,
 but that he is bound to bear greater burdens, & expose himself to more dangers. By the
 same reason also which the King gains by acquist of arms, be it, at he posselleth himself
 of Frontier places in warring on the enemy, or that which he gets by estatutes or consi-
 tations, he gets it to the Kingdom & not to himself, to wth the people, of whom the
 Kingdom is composed; no more, nor less, then the servante doth for his master, neither
 may one contract or oblige thesene to go him, but by & wth reference to the authority
 derived from the people. Furthermore, there is an infinite sort of people which live wth
 out a King; but we cannot imagine a King without people. And those which have bin rai-
 sed to the Royal dignity, were not advanced, because they excell'd other men in beauty
 & come inesse, nor in some excellency of nature to govern them as shepheards doe their
 flockes, but rather being made out of the same masse wth the rest of the people, they
 should acknowledge that for them, they as it were borrow their power, & authority. The
 ancient custome of the Frenc^h represents that exceeding well, for they used to lift up on
 a buckler, & salute him King whom they had chosen. And wherefore if it said, I pray you
 that kings haue an infinit e number of eyes, a million of ears, with extreame long hands, and
 feet exceeding swifte? is it because they are like to Argos, Geron, Midus, & divers others
 so celebrated by the Poets? No truly, but it is said in regard of all the people, whom the
 busines principally concerns, who lende to the king for the good of the Common-wealth,
 their eye, their ears, their means their faculties. Let the people forsake the king, he pre-
 sently falle to the ground, although before his hearing & sight seemed most excellent, &
 that he was strong & in the best disposition that might be, yea that he seemed to triumph
 in all magnificence, yet in an instant he will become mort y'e & contemptible, to bee
 brief, instead of those divine honours wherewith all men adored him, he shal be compell'd
 to become a Pedant, & whip children in the school at Corinth. Take away but the basis,
 to this Giaur, & like the Rodian Colosse he presently tumbles on the ground, & falle into
 pieces. Seeing then that the King is establish'd in this degree by the people & for their
 sake, & that he cannot subsist without them, who can think it strange then, for us to con-
 clude, that the people are above the King. Now that which we speak of all the people u-
 niverally, ought also to be understood as hath been deliver'd in the 2. question, of those
 which in every Kingdom or town do awfully represent the body of the people, & which
 ordinarily (or at least shoul'd be) call'd the officers of the Kingdom, or of the crown, & not
 of the King; For the officers of the King, it is he which placeth & disp'ateth them at his
 pleasure, yet, after his death they have no more power, & are accounted as dead. On the
 contrary, the officers of the Kingdom receive their authority from the people in the general
 Assembly of the states (or at the least were accusm'd so anciently to have done.) & cannot
 be disauthorized but by them, so then the one depends of the King, the other of the Kingdom,
 who is a sovereign officer of the Kingdom which is the King himself, those of the sove-
 reignty it self, that is of the people, of which sovereignty both the King, all his officers, and
 all his officers of the Kingdom, ought to depend, the charge of the one hath proper relation to
 the care of the Kings person, that of the other to look that the common-wealth receive no da-
 mage, the first ought to serve and assist the King, as all domes^tique servants are bounde due
 to their masters, the other to preserve the rights & privileges of the people, & to carefully
 hinder the Prince that he neither omitt the things that may advantage the people, nor commit
 any thing that may endammage the publique.

Briefly

11. **W**hile, the said **Assessors** and **Constituents** of the King, and **receivers** of the **General** **Chancery** to obey his person, or the other, or the contrary, are **Assessors** to the **King** in the **administration** of **Justice**, participating of the **King's** **apportioned** **Authority**, being bound to the **limit** of their **power**, to be assisting in the **managing** of the **affairs** of **State**, as well as the **King**, who is as it were **President** amongst them, and principally only in **order** and **degree**.

Therefore, as all the whole People is above the King, and likewise all men in one entire body are in authority before him; yet being considered one by one, they are all of them under the King. It is to be known how far the power of the first Kings extended, in that *Abraham* King of the *Hittites* could not grant *Abraham* the Sepulchre, but in the presence and with the consent of the People: neither could *Haman* the *Hacune* King of *Sicchon* contract an alliance with *Isaac*, without the Peoples assent, and confirmation thereof; because it was then the custom to refer the most important affairs to be discussed and resolved in the general Assemblies of the People. This might easily be practised in those Kingdoms, which were then almost confined within the circuit of one country.

But since that Kings began to extend their Hants, and that it was impossible for the People to assemble together all into one place because of their great numbers, which would have occasioned confusion, the Officers of the Kingdome were established, which should ordinarily preserve the rights of the People, in such sort notwithstanding, as when Extraordina-
ry occasion required the People might be assembled, or at the least such a
a briddgement as might by the principallest Members be a Representa-
tion of the whole Body. We see this order established in the kingdome of Iewre, which (in the judgment of the wised Politicians) was excell-
ently ordered. The King had his Cupbearers his Coffers, his Chamber-
lains and Stewards. The kingdome had her Officers, ¹⁰⁰⁰²⁸ the 7th Mil-
ders, and the heads and chief chosen out of all the Tribes, which had the
care of the Publicke Faith in Peace and War.

Furthermore the Kingdom had in every town Magistrates, which had the particular government of them, as the former were for the whole Kingdom. At such times as affairs of consequence were to be treated of, they assembled together, but nothing that concerned the publick state could receive any solid determination. David assembled the Officers of his Kingdom when he desired to invest his Son *Solomon* with the Royal Dignity, when he would have examined and approved that manner of policy, and managing of affairs, that he had revived and restored, and when there was question of removing the Ark of the Covenant. 1 Chron. 39.1
1 Chron. 13.1

(17)

And because they represented the whole people, is infallible in the History, that all the people assembled. These were the same Officers that delivered *Zedekiah* from death, condemned by the sentence of the King, by which it appears, that there might be an appeal from the King to the People.

Sam. After that the kingdom was divided through the pride of *Zedekiah*,
4.45. the Council at *Jerusalem* composed of 72. Ancients, seems to have such authority, that they might judge the King, as well as the King might judge every one of them in particular.

Chron. In this Council was President the Duke of the house of *Judea*, to wit, some principall man chosen out of that Tribe; as also in the City of *Jerusalem* there was a Governor chosen out of the Tribe of *Benjamin* residing there. This will appear more manifest by examples, *Jerome* sent by

cr. 16.9 God to enuise to the Jewes the destruction of *Jerusalem*, was theretore condemned first by the Priests and Prophets, in whose hands was the Ecclesiastical jurisdiction, afterwards by all the people of the City; that is, by the ordinary Judges of *Jerusalem*, to wit, the Milieuiers, and the Centurions: Finally the matter being brought before the Princes of *Judea*, who were the 72. Elders assembled, and set neare to the new Gate

of the Temple, he was by them accused. In this very Assembly, they did disreverently condemn, in expresse terms, the wicked and cruell act of the King *Zedekiah*, who a little before, had caused the Prophet *Jerome* to be slain, who also foretold the destruction of *Jerusalem*.

We read in another place that *Zedekiah* held in such reverence the authority of this Council, that he was so far from delivering of *Jerome* from the dungeon, wherein the 72. had cast him, that he durst not remove him into a less rigorous prison. They persuading him to give his consent to the putting to death the Prophet *Jerome*, he answered, that he was in their hands, and that he might not oppose them in any thing. The same King, fearing least they might make information against him, to bring him to an account for certain Speeches, he had used to the Prophet *Jerome*, was glad to seign an untrue excuse. It appears by this, that in the kingdom of *Judea* this Council was above the King, in this kingdom, I say not fashioned or established by *Plautus* or *Aristote*, but by the Lord God himself being Author of all their order, and surname Made, ratore in this Monarchy. Such were the Seven Magi or Sages in the Persian Empire, who had alwaies a parcell dignity with the King, and were

Arists. reaigning the ears and eyes of the King, who also never differed from *Polo*, in the judgment of those Sages.

3. v. 11.1. In the kingdom of *Sparta* there were the *Epibora*, to whom an appeal

lay from the judgment of the King, and vice versa. Merit and deserts, honour and shame, are to judge the King, the King is to judge his subjects, and give officers to the King, to the end they might hinder any encroachment, or

usurp authority, contrary to the Laws. Now as Aristotle doth ordinarily term those lawfull Kings, which have for their assistance such officers or Counsellors; so also maketh it no difficulty to say, that where they be wanting, there can be no true Monarchy, but rather a tyranny, absolutely barbarous, or at the least such a Dominion, as doth most neatly approach tyranny.

In the Romane Common-wealth, such were the Senators, and the Magistrates created by the people the tribunes of those which were called Celereos, the Pedes or Provoi of the City, and others, insomuch as there lay an appeal from the King to the People; as Senate declares by divers constitutions drawn from Cities or blocks of the Common-wealth, and the history of Orson sufficiently shewes, who being condemned by the Judges for killing his sister, was acquitted by the people.

In the times of the Emperours, there was the Senate, the Consuls, the Proconsuls, the great Provoi of the Empire, the Gouvernours of Provinces, attributed to the Senate and the People still, which were called the Magistrates and Officers of the people of Rom: And therfore, when also by the decree of the Senate, the impious Maximinus was declared enemy of the Common-wealth, and that Maximus and Albinus were created Emperours by the Senate, the men of war were known to be faithfull, and obedient to the people of Rom, the Senate, and the Emperors. Now for the Emperors and publicke States of these times (except those of Tomy, and the like, and such like, which are rather a prody of Rebellions, and barbarous incursions, then any lawfull Empire) there is not one, which is not, or hath not heretofore been governed in the manner we have described. And if through the connivency and slouth of the principal Officers the successors have found the busynesse in a worse condition, then which have for the present the publicke authority in their hands, are not notwithstanding bound as much as in them by their redounding into their primary estate and condition.

In the Empire of Germany, which is conferred by election, there is the Elector, and the Princes both secular and Ecclesiastical, the Consuls, the Bishops, and Despots of the Imperial Cities, and by all these in their several offices are Solicitors for the publicke good, likewise to the Dietes, where they represent the Majority of the Empire, being oblig'd to advise, and carefully to see, that neither by the Emperors, partiality, hate, nor affection the publicke States do suffer, or be overrejoy'd. And for this reason, the

Aristot.
pol. 1.5.6

11.

Herod.

8.

Empire hath his Chancellours which are the Emperor himselfe, both the one and the other have their peculiar Officers and Prelains apart. And so is a thing so notorious, that the Empire is profane before the Empire, that it is a common saying, *That the Empire and the Empire go by Empire*.

In like manner in the Kingdom of *Polonia*, where is for Officers of the Crown, the Bishops, the Palatins, the Castellains, the Nobility, the Deputies of Towns and Provinces assembled extraordinarily, before whom, and with whose consent, and no where else, they make new Lawes, and determinations concerning wars. For the ordinary Government there, is the Councillours of the kingdom, the Chancellour of the State, &c; altho notwithstanding, the King haue his Servards, Chamberlains, Servants and Domestiques. Now if any man should demand in *Polonia*, who were the greater, the King or all the people of the kingdom represented by the Lords and Magistrates; he should do as much, as if he asked me, *Whether the Duke were above the Feudatory*. But what shall we say of Kingdoms, which are said to go by hereditary succession? We may in deed conclude the very same. The kingdom of *Fridericetotore*, preferred before all other, both in regard of the excellency of their lawes, and majesty of their Estate, may passe with most as a ruling case. Now altho though that those which haue the publicke commandes in their hands, doe notwithstanding their duties as we are to be defind, in folle folies or thought; that they are nee bounde to do it. The King hath his high Servard of his Household, his Chamberlains, his Masters of his games, Cup-bearers, & such other, whose offices were wont so to depende on the person of the King, that since the death of their Master, the said offices were void. And in regard on the Succession of the King, the Lord high Servard doth the presence of all the officers and servants of the house-hold, breake his staffe of office, and sayng *Our Master is dead, let everyone provide for his selfe*. On the other side, the kingdom hath her officers, to wit, the Mayor of the Palace, which since haue beene called the Constable, the Marshal, the Admiral, the Chancellour, the Esquier, the Secretarie, the Lieutenant, and so there, which haue of late beene treated in the Assembly of the three Estates, the Clergy, the Nobility, and the People.

Since that, the Parliament of *Par*, was made Sedentary, they are not thought to be established in their places, before they haue beene firste consent and approved by that coulde of Parliament, and may not be dispossed nor deposed, but by the authority and consent of the same. Now, all these officers make their oble to the Kingdome, which is as much as to say, to the people in the first place, then to the King, which is protector of the Kingdom, the which appears by the sevons of the poeple. Above all the Cientable

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u lib. 5.
. 26.

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Constable who receiving the Sword from the King, such it gilded with him with this charge, That he maintain and defend the Common wealth, as appears by the words that the King then pronounced.

Besides the Kingdome of *Prerelach* the Peers (so called either for *S. Filius* that they are the Kings companions, or because they are the Fathers of the *Common wealth*) taking their denominations from the severall Provinces of the kingdome, in whose hands the King at his inauguration takes his oath, as if all the people of the kingdome were in them present, which shews, that these twelve Peers are above the King. They on the other side swear, That they will preferre unto the King, but the Crown, that they will assist the *Common wealth* with their shayoll, and therefore will be professe with their best abilities to councell the Prince both in peace and war, as appeares plainly in the *Prerelach* of their Peership.

And they therefore have the same right as the Peers of the Court, which according to the Law of the *Curthards*, were not only associates to the Lord of the Fee in the judgment of causes, but also did take an account, and judge the differences that happened between the Lord and his vassall.

We may also know, that those Peers of *Prerelach* did often discuss causes, and differences bwyween the King and his Subjects. In somuch that when *Charles* the 6. world have given sentence against the Duke of *Brittaine* they opposed it, alaodging that the discussing of that busynesse belonged properly to the Peers and not to the King, who might not in any way derogate from their authority. Therefore it is that at this day the Parliament of *Prerelach* is called the Court of Peers, being in some sort constituted Judge bwyween the King and the people, yes between the King and every private person, and is bound and ought to mainteain the meaneest in the Kingdome against the Kings Attorney, if he undertake any thing contrary to law.

Furthermore, if the King ordaine any thing in his Counselle, if he make any agreement with the Princes his neighbours, if he beginne Warre, or make peace, as lately with *Charles* the 5. the Emperor, the Parliament ought to interpose their authority, and all that which concerneth publicke State must be there interposed; neither is there any thing firme and stable which the Parliament doth not first approve. And to the end, that the Counselle of that Parliament should not scorne the King, formerly they armoured not to that place but by the nomination of the whole body of the *Couer*; neither could they be dismissed for any lawfull cause, but by the authority of the said Body.

Further

Furthermore, if the Letters of the King be not subsigned by a Secretary of the Kingdome, & this day called a Secretary of State, and if the Letters Patent be not sealed by the Chancellour, who hath power also to cancell them, they are of no force or value. There is also Dukes, Marquesses, Earles, Vizcounts, Barons, Seneschals, and in the cities and good Townes Mayors, Baillifles, Lieutenant, Capitols, Consuls, Syndiques, Sheriffs, and others, which have special authority through the Circuit of some countrees or townes to preserve the people of their jurisdiction. Time it is, that at this day some of these dignities are become hereditary. Thus much concerning the ordinary Magistrates.

The Assembly of the three Estates.

Besides all this, anciently every yeer, and since lesse often, to wit, when some urgent necessity required it, the general or three Estates were assembled, where all the Provinces and Townes of any worth, now, the Beggars, Nobles, and Ecclesiastical persons, did all of them send their Deputies, and there they did publickly deliberate and conclude of that which concerned the publike state. Always the authority of this Assembly was such, that what was there determined, whether it were to treat peace, or make war, or create a Regent in the Kingdom, or impose some new tribute, it was ever held firm and inviolable; nay, which is more by the authority of this Assembly, the King, convinced of loose incertainty, or of insufficiency, for so great a charge or syrvey, were disthroned, yea, their whole Rases were for ever excluded from their succession to the Kingdom, no more, nor lesse, as their Progenitors were by the sentence of authority formerly called to the administration of the same Kingdom. Those whose descions and approbation of the Estates had for many years, were by the disthroning and disallowing of the same afterwards cast down. Those which tracing in the vrious steps of their Ancestors were called to that dignity, as if it had been their inheritance, were drivene out, and dis-inherited for their degenerating ingratitude, &c for that being tainted with inapproable vices, they made themselves uncapable in worth of foot to honour.

This sheweth, that succession was oblliged to avoid praetexta, close and understand canvassing, discontents of persons refused, contentions, interrainer, and other discommodities of elections. But on the other part, when successions brought other mischiefs more pernicious, when tyrants did trample on the Kingdome, and when Tyrants possessed themselves of the Royal Throne, the Medicines proving much worse than the Disease, then the Estates of the Kingdome lawfully assembled, the maine of all the people, have ever maintained their authority, whether it were to drive out a Tyrant, or other unworthy King, or to establish a good one in his

his place: The ancient French had learned that of the Gauls, as Caesar sheweth in his Commentaries. For Ambiorix King of the Elsians, or Leigeons confesseth, That such were the condition of the Gaulish Empire, that the people lawfully assembled, and no less power over the King, than the King had over the people. The which appears also in Virgilius, who gives an account of his actions before the Assembly of the people.

In the Kingdoms of Spain, especially Aragon, Valencia, and Catalonia, there is the very same. For that which is called the *Suffitta Major* in Aragon hath the sovereign authority in it selfe. And therefore, the Lords which represent the people proceed so far, that both at the inauguration of the King, as also at the Assembly of the Estates, which is observed every third year, to say to the King in expresse words that which follows, *We which are as much worth as you, and have more power than you, shew you King our laws and these conditions;* and there is one before you and we which command every year, to write the *Instituta Major* of Aragon, which determines definitely that which the King demands, and forbids that which the King annoyes.

In the Kingdoms of England and Scotland the Sovereignty seems to be in the *Parliament*, which heretofore was held almost every yeare. They call Parliaments the Assembly of the Estates the Kingdome, in which the Bishops, Earles, Barons, Deputies of Towns and Provinces deliver their opinions, and resolve with a joynement of the affaires of State, the authority of this Assembly hath been so sacred and inviolable, that the King durst not abrogate or alter that which had been there once decreed.

It was that which heretofore called and installed in their chargers all the chief officers of the Kingdome: yes, and sometimes the ordinary councellers of that which they call the Kings privie Councells. In France, the other christian Kingdom, as Hungary, Bohemia, Danmark, Sweden, and the rest, they have their officers apart from the Kings, and likewise, together with the examples that we have in these our times, sufficiently demonstrate that these Officers and Estates have knowne how to halfe out of their authority, even to the deposing and driving out of the untychers and unworthy Kings.

We must not therefore esteem that this easie too shew the might of Royal authority, and that it is as much as to take the King off his shoulders.

We believe that God is Almighty, neither think we in any thing diminutive his power, because he cannot sin: neither say we, that his Empire is left to be esteemed, because it can not be neither shaken nor confounded: neither

Cas. 1.
& 7. de
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Whether also most we judge a King to be too much chief if he be witheld by others from falling into an excess, to whom he is over-much inclined, or for that by the wisdom and discretion of some of his Counsellors his kingdome is preserved and kept in quiet and safe, which otherwise happily by his weakness or wickednesse might have been ruined. Will you say that a man is lesse healthfull because he is environed with discreet Physicians which counsell him to avoid all intemperance, and forbid him to eat such meats as are obnoxious to the stomack, yea and which yudge him many times against his will and when he resists, which will prove his better friends, whether these Physicians which are studiously carefull of his health, or those Sycophants which are ready at every turn to give him that which must of necessity hasten his end. We must then always observe this distinction, The first are the friends of the King: The other are the friends of *Francis* which is King. The friends of *Francis* are those which serve him. The friends of the King are the subjects & seruants of the kingdom. For seeing the King hath this name, the name of the kingdom, and that it is the people which give being and confidence to the kingdome, the which being lost, or ruined, hee must needs cease to bee King, or at the least not so truly a King, or else wee must make a shadow for a substance. Without question, those are most truly the Kings friends, which are most industrieously carefull of the welfare of his kingdom, and those his worst enemies which neglect the good of the Common wealth, and seek to draw the King into the same laple of error.

And as it is impossible to separate the kingdom from the people, nor the King from the Kingdome, in like manner, neither can the friends of the King be dis-joyned from the friends of the people, and the Kingdome.

I say further that those which with a true affection love *Francis*, had rather see him a King then a Subject. Now seeing they cannot see him a King, it necessarily followeth, that in loving *Francis*, they must also love the Kingdome.

But those which would be esteemed more the friends of *Francis*, then of the kingdome and the people, are truly flatterers, and the most pernicious enemies of the King and publike State.

Now if they were true friends indeed, they would desire and endeavour that the King might become more powerfull, and more assured in his estate, according to that notable saying of *Thompson* King of Sparta, after the Ephores or Controllers of the Kings were instituted, *Themores* (said he) are appointed by the People to watch over, and look to the affaires

of the Kingdome, the more those that govern shall have credit, and the more safe and happy shall be the State. Whether prescription of time can take away the rights of the people.

But peradventure some one will reply, you speak to us here of Peers, of Lords and Officers of the Crown. But I for my part see not any, but only someshewes and shadows of an inquiry as if they were to be represented on a stage I see no, for the present, leasre any tract of that ancient liberty, and as howe y^e nay which is worse a great part, if not all, of those officers take care of nothing but their particular affaers, and almost if not altogether, serve as flatterers about those Kings who joyntly use the poor people like tennise-balls: hardly is there one to be found that hath compassion on, or will lend a helping hand to the miserable subjects, stoned and scorched to the very bones, by their insolent and insupportable oppression. If any he but hough to have such a desire, they are presently condemn'd as Rebels and seditionis, and are constrain'd either to fly with much discommodity, or else must run hazard both of life and liberty. What can be answered to this? the busynesse goes thus. The outragiousnesse of Kings, the ignorance of the party, together with the wicked connivence of the great ones of the kingdome, hath been for the most part such throughout the World, that the licentious and unbridled power wherewith most kings are transported, and which hath made them insupportable, hath in a manner by the length of continuance gained right of prescription, and the people for want of using it hath incircly quite if not altogether lost their just & ancient authority. So that it ordinarily happens, that what all mens care ought to accend on, is for the most part neglected by every man, for what is committed to the generality, no man thinkes is commended to his custody. Notwithstanding no such prescription nor prævarication can justly prejudice the right of the people: It is commonly said that the Exchequer doe admic no rule of prescription against it, much lesse against the whole body of the people, whose power tranceeds the Kings, and in whose right the King assumes to himself that priviledge; for otherwise, wherefore is the Prince only administrator, and the people true proprietor of the publique Exchequer, as we will prove here presently after. Furthermore, it is not a thing resolved on by all, that no tyrannous intrusion or usurpation, and continuance in the same course, can by any length of time prescriue against lawfull liberty. If it be objected, that Kings were enthroned, and received their authority from the people that lived

five hundred yeers ago, and not by those now living. I answer, that the
Common-wealth never dyes; although Kings be taken out of this life
one after another; for as the continuall running of the water gives the
River a perpetuall being; so the alternative revolution of birth and
death renders the people (*quoad hunc mundum*) immortall.

And further, as we have at this day the same Seine and Tiber as
were 1000. yeers agoe: in like manner also is there the same people of
Germany, France, and Italy (excepting intermixing of Colonies, or such
like) neither can the lapse of time, nor changing of individuals alter in
any sort the right of those people. Furthermore, if they (as the King re-
ceaves his kingdom from his Father, and not from the people, and has
from his Grandfather, and so one from another upward)

ask, could the Grandfather or Ancestor, transfer a greater right to
his Successor, then he had himself? If he could not, (as without doubt
it must need be so) is it not plainly perspicuous, that what the Successor
further arrogates to himself, he may usurp with as late a confidence as
what a Thief gets by the high-way side. The people on the contrary
have their right of eviction entire and whole; although then that the
officers of the Crown have for a time lost or left their rankes, this can-
not in any true right prejudice the people, but rather clear, otherwise as
one would not grant audience, or shew favour to a slave which had
long time held his master prisoner, and did not only vant himself to be
free, but also presumptuously assumed power over the life and death
of his master; neither would any man allow the excuses of a thief, be-
cause he had continued in that trade 30. yeers, or for that he had bee-
ned in that course of life by his Father, if he presumed by his long
continuance in that function to prescribe for the lawfulness, but rather
the longer he had continued in his wickednesse, the more grievous
should be his punishment: in like manner, the Prince is al-oge her
unsupportable, which because he succeeds a Tyrant, or hath kept the
people (by whose sufferings he holds the Crown) in a long slavery, or
high suppressed the Officers of the kingdom (who should be protectors
of the publike liberty) hat therefore presumes, that what he affects is
lawfull for him to effect, and that his will is not to be restrained or cor-
rected by any positive Law whatsoever. For prescription in tyranny
derives nothing from the right of the people; nay, it rather much ag-
gravates the Princes ou-rages. But what if the Peers and principal of-
ficers of the Kingdom makes themselves parts with the King? What
if betraying the Publique, cause the yoke of tyranny upon the peoples
neck? shall it follow, that by this prevarication and treason the auth-
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any is devolved into the King? Does this detract any thing from the
sights of the peoples liberty, or does it add any licentious power to the
King? Let the people thank themselves, say you, who relied on the
disloyal Loyalty of such men.

But I answer, that these Officers are indeed those Protectors whose
principal care and study should be, that the people be maintained in the
free and absolute fruition of their goods and liberty. And therefore, in the
same manner as if a treacherous Advocate for a sum of money should
agree to betray the cause of his Client, into the hands of his Adversary,
which he ought to have defended, hath not power for all that to alter
the course of justice, nor of a bad cause to make a good one, although
perhaps for a time he give some colour of it.

In like manner this conspiracy of the great ones, combined to ruine
the Justices, cannot disansw the right of the people; in the meane
sealon, those great ones incur the punishment that the same alots
against Prelaticators: and for the people, the same Law allowes them
to chuse another Advocate, and afreli to pursue their cause, as if it
were then only to begin.

For if the people of *Rome* condemned their Captains and Generals
of their Armies, because they capitulated with their Enemies to their
disadvantage, although they were drawn to it by necessity, being on
the point to be all overthrown, and would not be bound to performe
the Soldiers capitulation: much lesse shall a free People be tyed to
bear the yoke of thralldome, which is cast on them by those who should
and might have prevented it; but being neither forced nor compellled,
did for their own particular gain willingly betray those that had com-
mitted their liberty to their custody.

Wherefore Kings were created.

Now seeing that Kings have been ever established by the people,
and that they have had Associates joyned with them to contain them
within the limits of their duties, the which Associates consisted in
particular one by one, are under the King, and altogether in one iustice
Body are above him. We must consequently see wherefore first Kings
were established, and what is principally their duty. We usually esteem
a thing just and good when it attains to the proper end for which it is
ordained.

In the first place every one consents, That men by nature leaving li-
berty, and being servitude, born rather to command, then obey, basic not
willingly submitted to be governed by another, and renounced as it were the
privilegia of nature, by submisson themselves to the commands of others;

but for some speciall and great profit that they expected from it. For as *Euseb* layes, That the horse being before accustomed to wander at his pleasure, would never have received the bit into his mouth; nor the Rider on his back; but that he hoped by that means to overmatch the Bull: neither let us imagine, that Kings were chosen to apply to their own proper use, the goods that are gotten by the sweat of their Subjects; for every man loves and cheritheth his owne. They have not received the power and authority of the People to make it serve as a Pandas to their pleasures: for ordinarily the infernous hate, or at least envie their superiours.

Let us then conclude, that they are established in this place to maintain by justice, and to defend by force of Armes, both the publike State, and perticular persons from all damages and outrages, where-

Aug. 16. 16. de cito. vit. des. s. 25. fore Saint *Augustine* saith, *Those are properly called Lords and Masters, which provide for the good and profit of others, as the husband for the wife, Fathers for their children.* They must therefore obey them that provide for them; although indeed to speak truly, those which govern in this manner, may in a sort be said to serve those, whom they command over.

For as layes the same Doctor, they command not for the desire of dominion, but for the duty they owe to provide for the good of those that are subiects to them: nor affecting any Lord-like domineering, but with charity and singular affection, deiting the welfare of those that are committed to them.

Sententia in 87. Epistle saies, *That in the Golden Age, wise men only governed Kingdoms, they kept themselves within the bounds of moderation, and preserved the meaneest from the oppression of the greatest.* They persuaded and dissuaded, according as it advantaged or disadvantaged the publike profit; by their wisdom, they furnished the Publike with plenty of all necessaries, and by their discretion prevented scarcity, by their valour and courage they expell'd dangers, by their many benefits they concréated and intitid their Subjects, they pleased not their duty, in making pompeous shewes, but in well-governing their People. No man made tryall what hee was able to do against them, because every one received what he was capable of from them, &c.

Therefore then to govern is nothing else but to provide for: These proper ends of commanding, being for the Peoples commodity; the only duty of Kings and Emperours is to provide for the peoples good. *The Kingly dignity to speak properly is not a Title of Honour, but a weighty*

weighty and burdenfome office. It is not a discharge or vacation from
duties, to run a licentious course of liberty, but a charge and yoke
to all industrious employments, for the service of the Common-
wealth, the which bath some glimpe of honour with it, because in
those first and Golden Ages, no man would have traffed of such con-
nall troubles, if they had no bee swayed with some relish of hon-
our: in so much as there was nothing more true, then that which was
commonly said in those times. If every man knew with what tur-
moiles and troubles the Royall wreath was wrapt withall, no man
would vouchsafe to take it up; although it lay at his feet.

When therefore that these words of mine, and thine entred into the *Menys*
world, and that differences fell amongst fellow-Citizens touching the & tyme
propriety of goods and wars amongst neighbouring people about the
right of their Confines, the people bethoughe themselves to have re-
course to some one, wch both could and shoulde take order that the
poore were not oppressed by the rich, nor the Patriots wronged by
strangers.

Now as wars and suits encreased, they chose some one, in whose
wisdome and valour they reposed most confidence. See then where-
fore Kings were created in the first Ages to *war*, to administer justice at
home, and to be Leaders in the Wars abroad, and not only to repulse
the incursions of the Enemy, but also to represse and hinder the deva-
station and spoiling of the Subjects and their goods at home; but a-
bove all, to expell and drive away all devices and debanchments farre
from their Dominions.

This may be proved by all Histories, both divine and prophane. For
the people of God they had at first no other King but God himselfe,
who dwelt in the middest of them, and gave answer from betweene
the Cherubins, appointed extraordinarily Judges and Captaines for
the wars, by meane whereof, the people thought they had no need of
Lictors and beeing honoured by the continual presence of their Sov-
reign King.

Now whether the people of God began to be weary of the injec-
tions of the Sons of *Samuel*, on whose old age they durst no longer re-
ly, they demanded a King after the manner of other people, saying to *Sam. 8*
Samuel, *Give us a King, or other people have, shal he not be our judge*? These *5. & 20.*
is touched the first and principal point of the duty of a King, a little af-
ter they are both mentioned, *as will bee (said they) a King over us like
other Nations*. *Qualifying full, judge us, and go in and out before us, & lead
our Armies*. To do justice is always set in the first place, for so much as
it is an ordinary & perpetuall thing: but wars are extraordinary, and
there

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Christ. de differences. Aristotle sayes that in the time of the *short* Dynasties
pol. 1. 3. were Judges and Captains. But the *Emperour* King they in his
6. 11. time also had Sovereign authority only in the Army, and that confi-
ned also to the commandments of the *Ephoros*.

In like manner the *Medes* who were ever in perpetuall quarrels am-
ongst themselves, at the length chose *Drovers* for their Judges. Who
had destroyed himselfe well in the deciding of some particular differen-
ces, presently after they made him King, and gave him Officers and
Guards, that he might more easily suppose the powerfull and iso-
lent.

Cicero saith that anciently all Kings were established to administer
justice, and that their institution, and that of the Laws, had one and the
same end, which was, that Equity and Right might be duly rendered
to all men, the which may be verified by the propriety of the words
almost in all languages. King is called by the Latins, *Rex a regendo*,
for that they must rule and govern the limits and bounds, both of the
publicke and particulars. The names of Emperors,

The English, French, and Dukes have relation to their conduct
KING is derived in the wars, and principal places in Combats, and
from the *Romans*, other places of Command. Likewise the *Greeks*
which signifies *ci- call them in their language, Basili, Achæa, Hager*
the fortitude or maner which is to say, *pros of the people, Princes,*
wisdom, Conquerors. The *Germans and other Nations*

use all significative names, and which expresse, that
the duty of a King consists not in making glorious Parades: but that
it is an office of a weighty charge, and continual care. But in briefe,
the *Poet Homer* calls *Kings* the *Judges of Cities*, and in describing of
ensuited with *judgement* he calls him wise, strong, and valiant.
Iustitia dubium vero. As also *Ouid* speaking of *Exochus*, sayes, that
little is knowne of him, whether Justice or Valour
made him to comitte more exasperation in him, giving him these. I

Hom. lib.
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two Poets seemes exactly to have described the
duties of *King and Prince*. Nowe shew what was the *Custome* of the
Kings of the *Heathen Nations*, after whose example, the *Jewes* ex-
plained and established their *Kings* *successors* *and* *successions*.

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chron. 8.
18. 1. 8.
17. 1. 8.

The *Queen* of *Sheba* is also to *Solomon*, the *God* had mult him
King *over them* to do just *right* and *justice* to his *peopple* *and* *border* *land*.
And Solomon himselfe spakeing to *God*, *that* *thou* *hadst* *chosen* *the*
to be a King *over thy Peopple* *and* *a Judge* *of thy Sons* *and* *Daugh-
ters*.

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For this cause also the good Kings, as David, & Solomon, and others, having not beene in their opinions at variance with the law, and differences of their Subjects (although in these cases of greatest importance they received an appeal alwayes to themselves, as appears in David) had ever above all things a speciall care to establish in all places just and discreet judges, and principally stelt to have an eye to the right administration of justice, knowing themselves to carry the two last, as well to chaste wicked and unjust Subjects, as to repulse foreigne Enemies, and yea in a good and honest way to vex and trouble them.

Briefly, as the Apostles sayes, *The Prince is ordained by God for the good & defence of the people, being armed with the sword to defend the good from the injuries of the wicked, and when he dischargeth his duty there, in all menewch honest and obedience.*

Seeing then that Kings are ordained by God and established by no people, to procure and provide for the good of those which are committed unto them, and that this good & profit be principally exercised in two things, to wit, in the administration of justice to their Subjects, and in the managing of armes for the repelling their enemies: certainly, wee must inferre and conclude from this that the Prince which applies himself to nothing but his peculiar profits, and pleasures, or to those ends which most readily induceth thereunto, which contemnes and perverteth all lawes, which useth his Subjects more cruelly then the barbarest enemy. Would he do, he may truly and really be called a Tyrant, and that those which in this manner govern their Kingdomes, be they of never so large an extene, are more properly unjust pillagers and boose-haiers then lawfull governors.

Whether the King is above the law.

WEE must here yet proceed a little further: for it is demanded whether the King which presides in the administration of justice have power to resolute and determine busynesse according to his owne will, and pleasure? must the King be subject to the law, or doth the law depend upon the King, the law (as in an ancient) is respected by those which otherwayes conserue vertue for it inforceth obedience and ministreth comfort in warlikeing and gives vigour and lustre to justice and equity. *Parson in the Spurcane* will answer in a word, that it becomes lawes to direct, and men to yeld obedience to their authority. *Aegistus King of Sparta* sayes that all commandments must obey the commandments of the lawes. But it shall not be amisse to examine this matter a little higher, when people began for justice to seek & determine their differences, if they met with any private man that did

2 Sam.
15.2.
1 Chron.
23.4. G.
26.29
2 Chron.
19.11
Rom.13.

August.
1. 4. c.4.
G. 6. to
civita
D.

fully appointed them they were satisfied with it, now for so much as such men were cretay and with much difficulty met withall, and for that the judgements of Kings received as lawes were oftentimes found contrary and different, then the Magistrates and others of great wisdome invented lawes, which might speak to all men in one and the same voice. This being done it was expetly enjoyned to Kings that they shold be the gardiners and administrators, And somtimes also for so much as the lawes could not forre see the particularities of actions to resolve exactly it was permitted, the king to supply this defect, by the same naturall equity by which the lawes were drawn, and for feare least they shold go against law the people appointed them from time to time associates, counsellors, of whom we have formerly made mention, wherefore there is nothing which exempts the King from obedience which he owes to the law, which he ought to acknowledge as his Lady and Mistris esteemynge nothing can become him worse then that feminide of which *Journal* speaks: *Servos, Sicut iudee, sic pro nationes voluntas.* I will, I command, my will shall serve instead of reason, neither should they think their authority the lesse because they are confind to laws, for seeing the law is a divine gift comming from above, which human societies are happily governed and addidcted to their best and blesseddest end; those Kings are as ridiculous and worthy of contempnis, which repare it a dishonour to conform them selves to law, as those surveyors which think themselves disgraced, by using of a rule, a compasse, a chaine, or other instruments, which men understanding the art of surveying are accustomed to do, or a Pilot which had rather stye, according to his fantasie and imagination, then steere his course by his needle and sealard, who can double, but that it is a thing more profitable & covenient to obey the law, then the King who is but one man, the law is the soul of a good king, it givs him motion, sense and life, The King is the Organ and as it were the body by which the Law displays her force, exercises her iunction, and expresses her conceptions; now it is a thing much more reasonable to obey the soule, then the body, the law is the wisdom of divers sages, recollected in few words, but many, see, more cleare, and strecther then one alone, It is much better to follow the Law then any one mans opinion on be he never so acute, she law is reason and wisdom it self, free from all perturbation, non subject to be moved with choller, ambition, hate, or acceptances of persons; Intreaties nor threats cannot make it bow nor bend on the contrary a man through indeuor with reason suffers him selfe to be lead, and transported with anger, desire of venge-

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(671)
venge, and other passions which perplex him in such sort, that he los-
seth his understanding, because being composed of reason and disorder-
ed affections he cannot so govern himself but some times his pas-
sions becomes his Master. Accordingly wee see that Valentiana good
Emperour, perhaps thofe of the Empire to have low wines at once,
because he was misled by that impure affition. Because Cambyses
the sonne of Gysm became in amore of his own sister he would there-
fore have marriages betwene brother and sister, be approued and
held lawfull Cabades King of the Persians prohibites the punishment
of adulteries we must looke for such lawes every day if we will have
the law subjects to the King. To come to our purpose the law is an
understanding mind or rather an obstacle of many understandings
the mind being the seal of all the intelligence faculties is (if I may so
terme it) a paccell of divinity: in so much as he who obeys the law
seemes to obey God, and receive him for Arbitrator of the matters in
controversie.

But on the contrary, insomuch as man is composed of this divine
understanding, and of a number of untruly passions; so losing himselfe
in that brutish vesse, as he becomes void of reason: and being in that
condition, he is no longer a man, but a beast; he then which desires ra-
ther to obey the King, then the Law, seemes to prefer the commande-
ment of a beast before that of God.

Aristo. lib.
de mundo
¶ lib 3
poli. cap.

And furthermore, though Aristotle were the Tutor of Alexander, yet he confesseth, that the divinity cannot so properly be compared to
to any thing of this life, as to the ancient Lawes of well-governed
States: he that prefers the Commonwealth, applyes himself to Gods
Ordinance: but he that leans to the Kings fancies, instead of Law,
prefers brutish sensuality before well-ordered discretion. To which
also the Prophets seemes to have respect, who in some places describe
these great Empires, under the representation of ravning Beasts. But
to go on, is not he a very Beast, who had rather have for his guide a
blind and mad man, then he which sees both with the eyes of the body,
and mind, a beast rather then god. Whence it comes, that though kings
as saith Aristotle, for a while, at the first, commanded without re-
straint of Laws, yet presently after civilized people reduced them to
a lawfull condition, by binding them to keep and observe the Lawes;
and for this untruly absolute authority it remained only amongst those
which commanded over barbarous Nations.

He sayes afterwards, that this absolute power was the next degree
to plain tyraonic, and he had absolutely called it *tyrannie*, had not

these beasts like Barbarians, willingly subiecting themselves unto it. But it will be replied, that it is unworthy the majesty of Kings, to have their wills bridled by Laws: but I will say that nothing is more royall then to have our unroyal desires ruled by good lawes.

It is much pitty to be restrained from that which we would doe; it is much more worse to will that which we shoud not do, but it is the worst of all to do that which the Laws forbide.

I hear me thinks a certain Furionius tribune of the people which oppoised the passing of a Law that was made against the excesse which then reigned in Rome, saying. My Masters you are beelded, you are idle and fettered with the rude bonds of servitude, your liberty is lost, a Law is laid on you, that commands you to be moderate: to what purpose is it to say, you are free, since you may not live in what excesse of pleasure you like. This is the very complaint of many Kings at this day, and of their Mignior and Flatterers.

The Royall Majesty is abolished, if they may not turn the kingdom upside turvie at their pleasure. Kings may go shake their eares, if Laws must be ob'reved.

Peradventure, it is a miserable thing to live, if a mad man may not be suffered to kill himself when he will.

For what else do those things which violate and abolish Lawes, Cicero 1. without which, neither Empires, no nor the very Societies of free- 2. officii. booters can at all subsist?

Let us then reject these detestable falsenesse and impious vanities of the Court Marathonists, which make Kings gods, and receive their sayings as Oracles, and which is worse are so shamelesse, as to perswade Kings, that nothing is just or equitable of it selfe, but takes its true forme of justice, or injustice, according as it pleaseth the King to ordain: as if he were some god, which could neither err nor sinne at all. Certainly, all that which Gods will is just, and therefore, suppose it is Gods will, but that must be just with the Kings will, before it is his will. For it is not just because the King hath appointed it, but that King is just which appoints that to be held for just, which is sool it self.

We will not then say as *Anaxarchus* did to *Alexander*, much perplexed for the death of his friend *Cleitus*, whom he had killed with his own hands, to wit, that *Themis* the Goddesse of Justice, sits by Kings sides, as she does by Jupiters, to approve and confirme wharsoever to them shal seem good: but rather, she sits as President over kingdoms, to severely chaste those Kings which wrong or violate the majesty of

of the Law, we can no wayes approve that saying of *Thrasimenes the Chaldean*, That the profit and pleasure of Princes, is the rule by which all Lawes are defined: but rather, that right must limit the profit of Princes, and the Lawes restrain their pleasures. And instead of approving that which that villainous woman said to *Caracalla*, that whatsoever he desired was allowed him: We will maintain that nothing is lawful but what the Law permits.

And absolutely rejecting that detestable opinion of the same *Caracalla*, that Princes gives Lawes to others, but receive none from any; we will say that in all kingdomes well established, the King receives the Lawes from the people, the which he ought carefully to consider and maintain, and whatsoever, either by force or stratagem he does, in prejudice of them, must alwayes be reputed unjust. *Kings receive Lawes from the people.*

These may be sufficiently verified by examples. Before there was a King in *Israel*, God by *Moses* prescribed to him both sacred and evill *Deut. 17* Ordinances, which he should have perpetually before his eyes: but after that *Saul* was elected and established by the people, *Samuel* delivered it to him written, to the end he might carefully observe it, neither were the succeeding Kings received before they had *word* to keepe those Ordinances.

The Ceremony was this, that together with the setting of the crown on the Kings head, they delivered into his hands the Book of the Testimony, which some understand, to be the right of the people of the Land, others, the Law of God, according to which he ought to govern the people. *Cirus* acknowledging himself conservator of his Countries Lawes, obligeth himself to oppose any man that would offer to infringe them: and at his maturation tyeth himself to observe them, although some flatterers tickled the eares of his Son *Cambyses*, that all things were lawfull for him.

The Kings of *Sparta* whom *Aristotle* calls lawfull Princes, did every moneth renew their oaths, promising in the hands of the *Ephori*, *Zeneph.* *de Rob.* *Laced.* procures for the kingdome, to rule according to those Lawes which they had from *Lienarus*.

Hereupon it being asked *Archidamus*, the Son of *Zeuxidamus*, who were the Governors of *Sparta*, he answered, the Lawes, and the lawfull Magistrates.

and least the lawes might grow into contempt, these people bragged that they received them from heaven, and that they were inspired from above, to the end that men might believe that their determinations were from God and not from man, the Kings of Egypt did in nothing vary from the tenour of the lawes, and confessed that their principall felicity consisted in the obedience they yeelded to them. *Romulus* at the institution of the Roman kingdome made this agreement with senators, the people should make lawes and he would take both for himselfe and others to see them obserued and kept. *Anrius*

Fulgo. lib the third of that name King of *Asia* writ unto all the Cities of his
s. 62. 6. kingdome, That if the letters sent unto them in his name there were any thing found repugnant to the lawes, they should believe they were no act of the Kings, and therefore yeeld no obedience unto them. Now although some Citizens say, that by decree of Senate the Emperour *Augustus* was declared to be exempt from obedience to Lawes: yet notwithstanding *Theodosius*, and all the other good and reasonable Emperours, have protested that they were bound to the Lawes, lest what had been extorted by violence, might be acknowledged and received instead of Law. And for *Augustus Caesar* in so much as the Roman Common wealth was en thrall'd by his power and violence she could say nothing freely but that she had lost her freedome. And because they durst not call *Augustus* a tyrran, the senate said he was exempt from all obedience to the lawes, which was in effect as much as if they plainly should have said the Emperour was an out law. The same right hath ever beene of force in all well governed states and Kingdmes of Christendome.

For neither the Emperour, the King of France, nor the Kings of *Spain*, *England*, *Polander*, *Hungarie*, and all other lawfull Princes, as the Arch Dukes of *Austria*, Dukes of *Brabant*, Earles of *Flanners*, and *Holland*, nor other Princes are not recieveth to the government of their estates before they have promised to the Electours, Peeres, Palatins, Lords, Barons, and Governours, that they will render to every one right according to the lawes of the Country, yea so strictly that they cannot alter or innovate any thing contrary to the privileges of the countys without the consent of the townes and provinces, If they do it, they are no lesse guilty of rebellion against the lawes than the people is in their kind if they refuse obedience, when they command according to law; briefly lawfull princes receive the lawes from the people as well as the crown in lieu of honour, and the

scepter

scepter in iust of power, which they are bound to keepe and maintaine
and therin to pose their chiefeſt glory.

What then? ſhall it not be lawfull for a Prince to make new lawes,
and abrogate the old? ſeeing it belongs to the King not onely to ad-
vise that nothing be done neither againſt nor to defraud the lawes :
but also that nothing be wanting to them or any thing ſo much in
thm; briefly that neither age nor lapse of time do abuſe or cōuome
them: if there be any thing to abridge, added, or taken away from
them, it is his duty to assemble the estates, and to demand their aduice
and resolution, without presuming to publish any thing before the
whole have beene first duly examined and approved by them, after
the lawe is once enaſtled and published: there is no more diſpute to
be made above it, all men owe obedience to it, and the prince in the
firſt place to teach other men their duty, and for that all men are ca-
ſiſter led by example then by precept, the prince muſt neceſſarily ex-
preſſe his willingneſſe to obſerve the lawes, or elſe by what equity
can he require obedience in his ſubjects to that which he himſelfe
contemnes.

For the diſterenes which is betwixt Kings and ſubjects ought not
to conſiſt in impurity, but in equity and justice. And therefore al-
though Auguſtus was eſteemed to be exempt by the deſree of the
Senate, notwithstanding reproving of a young man that had broken
the Iulian law concerning adulterie, he boldly replied to Auguſtus
that he himſelfe had tranſgressed the ſame lawe which condemnes ad-
ulterie, the Imperour acknowledged his fault and for grief forbare
to late. So convenient a thing it is in nature to practice by example
that which we would teach by precept.

The Lawgiver Solon was wont to compare lawes to mony, for they
mainain human ſocietieſ as many preſerves traffick, neither im-
properly then if they Kings may not lawfully, or at the leaſt heretofore
could not mainaine or imbaſe good mony without the conſent of the
Common-wealth: much more leſſe can he have power to make and
unmake lawes, without the which, nor Kings, nor ſubjects, can coha-
bit in ſecurity but muſt beforc to live brutiſhly in caves and deſerts
like wiſt beaſts wherefore alſo the Imperour of Germany eſteeme it
neceſſarie to make ſome law for the good of the empire, firſt he demands
the aduice of the estates, if it be there approved, the Prince, Barons, &
Deputies of the towns ſigne it and then the lawe is ratified for he ſo-
leſſonly ſwears to keep the lawes alreadie made, and to introduce no
new ones without a generall conſent.

*Democritus in
oratio con.
Timocrat.*

*Innocent. 3.
ad regem.
Fam. in
ea. quado
d' iure ju-
rando.*

There

There is a Law in *France*, which hath beene renew'd in the yeare, 1454, and also in the yeere 1536, by those it is decreed, that no new Lawes shall be made, but by a common consent, nor no where else, but in the General Assembly of the *Estates*.

For the *Kingdome* of *France*, where the Kings are thought to have greater authority, then in other places, anciellly all Lawes were onely made in the Assembly of the *Estates*, or in the ambulatory *Parlement*. But since this *Parlement* hath beene *Sedentary*, the Kings edicts are not received as authentically, before the *Parlement* hath approved them.

Whereas on the contrary, the decrees of this *Parlement*, where the Law is defective, have commonly the power and effect of Law. In the *Kingdomes* of *England*, *Spain*, *Hungary*, and others, they yet enjoy in some sort their ancient privileges.

For, if the welfare of the *Kingdom* depends of the observation of the Lawes, and the Lawes are enthralled to the pleasure of one man, is it not most certain, that there can be no permanent stability in that government? Must it not then necessarily come to passe, that if the King (as some have been) be infected with Lunacie, either continually, or by intervals, that the whole State fall inevitably to ruine? But if the Lawes be superior to the King, as we have already proved, and that the King be tyed in the same respect of obedience to the Lawes, as the Servant is to his Master, who will be so sensesse, that will not rather obey the Law, then the King? or will not readily yeld his best assistance against those that seek to violate or infringe them? Now seeing that the King is not Lord over the Lawes, let us examine how far his power may be justly extended in other things.

Whether the Prince have power of life and death over his Subjects?

The *Missionis* of the *Court* hold it for an undeniabe Maxime, That Princes have the same power of life and death over their Subjects, as anciellly Masters had over their slaves, and with these false imaginations have so bewitched Princes, that many, although they put not in ure with much rigour this imaginary right, yet they imagine, that they may lawfully do it, and in how much they desist from the practise thereof, in somuch, that they quit and relinquise of their right and due.

But

But we affirme on the contrary, that the Prince is but by the Minister and Executor of the Law, and may only wither the Sword against those whom the Law hath condemned; and if he do otherwise, he is no more a King, but a Tyrant; no longer a Judge, but a Malefactor, and instead of that honourable Title of Conservator, he shall be justly branded with that foul term of Violator of the Law and Equity.

We must here first of all take into our consideration the foundation on which this our disputation is built, which we have resolved into this head, *That Kings are ordained for the benefit and profit of the publick State*; this being granted, the question is soon diuine. For who will believe that men sought and desired a King, who upon any sudden motion might at his pleasure cut their throats; or which in colour or revenge might when he would take their heads from their shoulders.

Briefly, who (as the wise man sayes) carries death at his bagues end, we must not think so idely.

There is no man so vain, which would willingly that his welfare should depend of anothers pleasure; Nay, with much difficulty will any man trust his life in the hands of a friend, or a brother, much lesse of a stranger, he never so worthy. Seeing that Envy, Hate, and Rage did so far transport Arbanus and Ajax beyond the bounds of reason, that the one killed his children, the other fayling to effect his desire in the same kind against his friends and companions, turned his fury and martherous intent, and acted the same revenge upon himself. Now it being natural to every man to love himselfe, and to seek the preservation of his own life.

In what assurance I pray you would any man rest to have a Sword continually hanging over his head by a small thred, with the point towards him? Would any mirth or jollity relish in such a continual affright? Can you possible make choyce of a more slender thred then to expole your life and welfare into the hands and power of a man so mutabile that changes with every putt of wind. Briefly, which almost a thousand times a day, shakes off the restraint of reason and discretion, and yeelds himself slave to his own unruly and disordered passions.

Can there be hoped or imagined any profit or advantage so great or so worthy, which might equalize or counterpose this feare or this danger? Let us conclude then, that it is against Delinquents only,

whom

where the mouth of the Law hath condemned, that then may draw forth the sword of Authority.

If the King may pardon those whom the Law condemneth?

But because life is a thing precious, and to be favoured, paradyng
ture is will be demanded whether the King may not pardon and ab-
solute those whom the Law hath condemned.

I answer, no. Otherwise this cruell pitty would maintain Thieves,
Robbers, Murderers, Ravisters, Poysners, Sorcerers, & other plagues
of Mankind, as we may reade Tyrants have done hereofore in many
pieces, and to our wofull experience, wee may yet see at this present
time; And therefore the Beast of Law in this kind, will by impurity
much encrease the number of offenders.

So that he which received the Sword of Authority from the Law
to promise offences, will arme offenders therewith against the Lawes,
and put himselfe the Woolfe into the Fold, which hee ought to have
warranted from their ravenous outrages.

But for so much that it may chance in some occasions, that the
Law being mute, may have need of a speaking Law, and that the King
being in some cases the aptest Expositor, taking for the Rule of his ac-
tions Equity and Reason, which as the soule of the Sould may so
eleeve the intention thereof, as where the offence is rather committed
against the words, then the intentment of the Law, hee may free the
innocent Offendor from the guilt thereof, because a just and equitable
Exposition of the Law may in all good reason be taken for Law it
selfe, as nearely concurring with the intention of the Law ma-
kers.

*L. Nom-
inis & rei
S. ver-
bum ex-
lege. D. de
verb. sig-
nif.*

Notwithstanding, least passion should prepossesse the place of reason
Kings should in this fashion themselves to the ordinary practise of the
Emperour, severns not to determine absolutely any thing before it
were maturely discussed by upright and discreet men in that facul-
tiet.

And so the King may rigorously punish the Murderer; and yet
notwithstanding pardon him, which casually, and without any such
purpose killeth one. He may put to death the Thieve, and yet pardon
that man which in his own defence killeth him that would have rob-
bed him. Briefly, in all other occurrences hee may distinguish, as
being establisched Arbitrator and Newter, Chaunce-medy from
malice, fore-thought a good purpose from the Rigour of the Law,
without favouring at any time Malice or Treason. Neither can the
right

mission of this duty gaid to blurr any the effeeme of therisfull: for certaintly, that Shepherd is much more pitifull which kilsche Woolf then he which lets him escape: the clemencie of that King is more comisyonable which committeth the malefactor to the hangman, then he which driveth him selfe putting to death the myrtlesse, many innocente are delivered from danger: whereas by suffering him escape, both he and others through hope of the like compaing his care made more audacious to perpetrate farther mischierf, so that his immediate act of having one Delinquent, with many harids comisyoneth divers innocents; there is therfore both fault and esse in putting to death somes, and as certainly will they in placidion of others. Therefore as it is permitted the King being as it were *Capo* of the Law in some cases to interpret the words therof: so in all well ordered Kingdoms, it is enjoyed by the Council of State, and their duty obligeth them to examine the Kings interpretation, and to considerate both his sclerice and fatallitie. If through the corruption and weaknes of men this have not beene so stably and throughly observed as it ought: yet notwithstanding the right alwayes remains intire, and there wants onely integratis and courage in the parties to make it selfe establish in one of his blisshome and viron to his good tyme. But not to heape up too many examples in a mate of manifestly cleas, it hath beene in this maner practised in the Realm of *France*: For we have there oftentimes seen those put to death, to whom the King had granted his Charter of pardon: and those pardoned, whom he commanded should be put to death. And forsethers offences committed in the Kings presence remited, because there was no other witnessesse but himselfe. The which happened in the time of *Henr: 2.* to a certaine stranger, who was accused by the King himselfe of a grievous offence. If an offendour by the intercession of friends have his pardon granted by the King, the Chancellor upon sufficient cause may cancell it: if the Chancellor connive, yet must the crimed present it before the Judges, who ought not onely carefully to consider, whether the Pardon were gotten by surreptitious or indirect means, but also if it be legally, and in due form: neither can the Delinquent that hath obtained his Charter of Pardon make use of it, untill first he appeal in publick Court bare-headed, and on his knees plead it, submitting himselfe prisoner untill the Judges have maturely weighed

weighed and considered the reasons that induced the King to grant him his pardon: If they be found insufficient, the offender must suffer the punishment of the Law, as if the King had not granted him any pardon: but if his pardon be allowed, he ought not so much to thank the King, as the equity of the Law which saved his life. The manner of these proceedings was excellently ordained, both to contain the King within the limits of equity, lest being armed with publick Authoritie, he should seek to revenge his own particular spleen, or out of fancies or partialitie remit the wrongs and outrages committed against the publick safetie: as partly also to restrain an opinion in the Subjects, that anything could be obtained of the King which might prejudice the Laws. If these things have been ill observed in our times notwithstanding that which we have formerly said, remains alwaies certain, that it is the Law's which have power over the lives and deaths of the Inhabitants of a Kingdom, and not the King which is but Administrator and Conservator of the Laws.

Subjects are the King's Brethren, and not his slaves and bondmen.

For truly, neither are the Subjects, as it is commonly said, the King's slaves, or bondmen: being neither prisoners taken in the wars, nor bought for money: but as considered in one intire body they are Lords, as we have formerly proved; so each of them in particular ought to be held as the King's Brethren and kinsmen. And to the end that we think not this strange, let us hear what God himself saith when he prescribes a law to Kings; That they lift not their heart above their brethren from amongst whom they were chosen. Whereupon *Bartolus* a famous Lawyer, who lived in an age that bred many Tyrants, did yet draw this conclusion from that Law, that Subjects were to be held and used in the quality and condition of the Kings brethren, and not of his slaves. Also King *David* was not ashamed to call his Subjects *his brethren*.

Deut. 17. 15.
20.

Barro. in tract.
de regim. civit.

1 Chron. 28. 2

The ancient Kings were called *Abimelech*, an Hebrew word which signifies, *My father the King*. The Almighty and all good God, of whose great gentlenesse and mercie we are daily partakers, and very seldom feel his severitie, although we justly deserve it, yet is it alwaies mercifully mixed with compassion; whereby he teacheth Princes, his Lieutenants, that Subjects ought rather to be held in obediencie by love, than by fear.

But lest they should except against me, as if I sought to trench

too much upon the Royall Authoritie; I verily believe it is so much the greater by how much it is likely to be of longer continuall. For saith one, servile fear is a bad guardian, for that Authority we desire should continue; for those in subjection hate them they fear, and whom we hate, we naturally will their destruction: on the contrary, there is nothing more proper to maintain their Authority then the affection of their subjects, on whose love they may depend: and with most securitie lay the foundation of their greatness. And therefore that Prince which governs his subjects as brethren, may confidently assure himself to live securely in the midst of dangers: whereas he that useth them like slaves, must needs live in much rank idie and feare, and may well be sensible to the condition of that Master which remains alone in some desart in the midst of a great troop of slaves; for look how many slaves any where, he must make account of so many Enemies, which almost all Tyrants that have been killed by their Subjects have experienced: whereas on the contrary, the Subjects of good Kings are ever as solicitously carefull of their safetie, as of their own welfare.

To this may have reference that which is read in diverse places of *Plato lib. 8.* of *Mr. Storie*, and was said by *Agacides King of Sparta*, That *de repub.* King commandeth his fathers over their children, and Tyrants as *Seneca*, masters doth their slaves, which we must take in the same sense, *Aliud est ser-*
that the civil and human doth no wrong that paternal authority aliud
consists in piety, and not in rigor, for that which was practi- *obedient* *aliud*
sed amongst the men of the accorde age, that fathers might sell, libertas, aliud
and puto death their children at their pleasure, bath no antho- *L. 5. D. de*
licity amongst Christians; yea he very Pagans which had any hu- *mannity, would not permit it to be practised on their slaves. There-* *parricid.*
fore then the father hath no power over the sons life, before *L. 2. ad leg.*
firstly the Law have determined; it, otherwise he offendeth the Law, *Corneliam de*
Coriolis against privie murtherers, and by the Law *Compeiss a-* *sicar. ubi-*
gainst Barnabas, the father is no lesse guilty which kills the son, vlp. L. 1. c.
then the son which murthereth the father; for the same occasion *de parricid.*
the Emperor *Adrian* banished into an Island which was the usu-
all punishment for notorious offenders, a father which had slain
his son; a hunting of whoni he had entertained a jealous opinion
for his mother in Law, concerning servants or slaves, we are ad-
monished in holy writ to use them like brethren, and by humane

constitutions as hierarchs, or mercantilists. *Ad nos dicitur ob*

Ecclesiast.
33. *Cicer. lib. 3. offici.*
Diod. Sic.
lib. 2. C. 2.
L. 1. D. de
bis qui sunt
sui, vel. al.
juris.

By the Civil Law of the Egyptians, and Romans, and by the constitutions of the *Antinomii*, the Master is allowed to punishment which hath killed his own slave, as he which kill'd another man. In like manner the Law deliv'rs tropicall power of the Master, the slave whom in his fukness he hath altogether neglected, or hath not afforded due refreshment, and the strait childe slave whose condic'on was slumber & better night for any apparent injurie bring his action against his Patron. Now seeing there is so great difference betweene slaves, and lawfull children, bearing bonds and fathers, and notwithstanding heretofore it was not permitted amongst the heathen, to use their slaves cruelly. What shall we say, pray, of that Author of the people, which cries out tragically with *street*: I will desoure my Children? In what esteem shall we hold that Prince which takes such pleasure in the murthering his Subjects, (condemned without being ever heard) that he dispatcheth many of them, in onedays: & extirpation glutted with blood: boſily whō after the example of *Caligula* (summatim the *Pharos* of the world) wisheth that all his people had but one head that he might cut it off at one blow? Shall it not be lawfull to implore the assistance of the Law against such furious madnesse, and to pull from such a Tyrant the sword which he received to maintaine the law, and defend the good, when it is drawn by him only for rapine and ruine?

Whether the goods of the people belong to the King (signior. b. 1.)

But to proceed, let us now see whichever the King whom we have alreadie prived, shāth not power with the lips of his Subjects, is not at this diff'it impooveri their Goddeſſe. Wherby these dayes there is no language more common in the Courts of Princes, then of those who say all is the Kings. Wherby it follows, that in exacting any thing from his Subjects he takes but his own, and in that which he leaveth them, he expresteth the care he hath that they should not be altogether destitute of meanes to maintaine themselves; and this opinion hath gained so much power in the minds of some Princes, that they are not ashamed to say that the paines, sweat and industrie of their Subjects is their proper revenue, as if their miserable Subjects onely kept beasts ensuited but guard'd selfe from plagues, and sold to

to fill the earth for their insolent masters profit, and luxurie. And indeed, the practice of this day is just in this manner, although in law right & equity ought so be contrarie, now we must alwaies remember that Kings were created for the good and profit of the people, and that those (as Aristotle sayes) which indeavour and seek the commoditie of the people, are truly Kings: whereas those that make their own private ends and pleasures, the only butt and aime of their desirers are truly Tyrants.

It being then so that every one loves that which is his owne, yea that many covet that which belongs to other men, is it any thing probable that men should seek a master to give him francklye al that they had long laboured for, and gained with the sweat of their knowes? may we not rather imagine, that they chose knabes man on whose integrity they relied for the administering of justice equally both to the poore and rich, and which would not affiend to himselfe, but rather maintaine every one in the fruition of his own goods? or who like an unprofitable Drone should suck the fruit of other mens labours, but rather preserve the house, for those whose Industrie justly deserved it? briefly, who instead of extorting from the true owners their goods, would see them defended from all ravening oppressors? What I pray you skill it sayes the poore Countrie man, whether the King, or the enemy make hayek of my goods, since through the spoile thereof I and my poore familie die for hunger? what imports it whether a stranger or home-bred caterpiller ruine my estate, and bring my poore fortune to extream beggery? Whether a forrein Souldier, or a Sicchene Courtier by force or fraud, make me a-like miserable? Why shall he be accounted a barbarous enemy, if thou be a friendly Patriot? Why he a Tyrant if thou be a King? Yet certainly by how much parricide is greater then manslaughter, by so much the wickednesse of a King, exceeds in mischiefe the violence of an enemy.

If then therefore in the creation of Kings, men gave not their own proper goodes unto them, but onely recommended them to their protection; by what other right then, but that of free booters, can they challenge the proprietie of other mens goods to themselves? Wherefore the Kings of Egypt were not (according to Law) at the first the Lords of particular mens estates, but were onely such when they were sold unto them for corne, and

Gen 45.
1 Kings, 21.
1. &c.

Yet may there well be question made of the validity of that contract. *Ab* King of *Israel* could not compel *Naaman* to sell him his vineyard; but rather if he had been willing, the Law of God would not permit it. The Roman Emperors which had an unreasonable power, could neither by right have done it. At this day there is with much difficulty any Kingdom to be found, where the meanest Subject may not sue the King, & where many cases the King is not cast in the suit, which succeeding he most as well and others satisfy the judgment. And to this is not contrary, although at the first view it seeme so, that which some of their most familiar have written of the Emperors. That by the civil they all things were the Kings, and that *Cesar* was a *dominus* of all things, they themselves expound this their opinion in this manner, that the dominion of all things belongs to the King, and the proprietie to the particular persons, in so much as he can possess all by the right of commanding, the other by the Law of inheritance. We know, that it is a common saying amongst the Civilians, that if any make claime to a houley or a ship, it follows not therefore that he can extend his right to all the furniture or lading. And therefore a King may challenge and gains right to the Kingdome of *Germany*, *France* and *England*: and yet notwithstanding he may not lawfully take any honest mans estate from him, but by manifest injustice, seeing that they are things diverse, and by Law distinguished, to be possessors of the whole, and of all the particular parts.

L. n. ave. 36.
D. de evictio-
nibus.

Whether the King be the proper owner of the Kingdom. But the King, is he not Lord proprietor of the publick Exchequer? We must handle this point somewhat more exactly then we did the former. In the first place, we must consider that the revenue of the publick Exchequer is one thing, & the proper patrimonie of the Prince as other, of different nature are the goods of the Emperor, King, or Prince; to those of *Antonius*, *Henri*, or *Philip*, those are properly the Kings, which he enjoys as King, those are *Antonius* his which he possesseth, as in the right of *Antonius*, the former he received from the people, the latter from those of his blood, as inheritor to them. This distinction is frequent in the books of the civil Law, where there is a difference ever made, between the patrimonie of the

the Empire, and that of the Emperor, the treasure of Cesar is one thing, and the Exchequer of the Common-wealth another, and both the one and the other have their severall procurers, there being diverse dispensers of the sacred, and publick distributions, and of the particular & private expences, insomuch as he which as Emperor is preferred before a private man, in a grant by deed or chartell, may also sometime as *Antonius* give place to an inferior person.

L. bene à
Zenone. C.
de quod.
pref. C. am-
de quest.
Mag. ib.
12. C. l.
fiscis. D.
de jure fiscis.

In like manner in the Empire of Germanie, the revenue of *Ferdinand of Austria* is one thing, and the revenue of the Emperor *Ferdinand* is another: the Empire, and the Emperor have their severall treasurers: as also there is difference in the inheritances which the Princes derive from the houses of their ancestors, and those which are annexed to the Electorall dignities. Yea, amongst the *Turke* themselves, *Selimus* his gardens and patrimoniall lands are distinguished from those of the publick, the one serving for the provision of the *Sultans* table, the other employed only about the *Turke* affaires of State. There be notwithstanding Kingdomes as the *French* and *Englis*, and others in which the King hath no particular patrimony, but only the publick which he received from the people, there this former distinction hath no place. For the goods which belongs to the Prince as a private person there is no question, he is absolute owner of them as other particular persons are, and may by the civill Law sell, ingage, or dispose of them at his pleasure. But for the goods of the Kingdome, which in some places are commonly called the *demarke*, the King may not be esteemed nor called in any sort whatsoever, absolute Lords Proprietors of them. For what if a man for the flocks sake have made thee Shepheard, doth it follow that thou hast libertie, to fle, pill, sell, and transport the Sheep at thy pleasure? Although the people have established thee Judge, or Gouvernour of a Cittie, or of some Province, hast thou therefore power to alienate, sell, or play away that City or Province? And seeing that in alienating or passing away a Province, the people also are sold, have they raised thee to that authority to the end thou shouldest separete them from the rest, or that thou shouldest prostituite and make them slaves to whom thou pleasedst? Furthermore I demand if the Royall dignity be a patrimony, or an Office? If it be an Office, what Community hath it.

quare.
of what nature
the anciente
demeane is in
England.

L. cum serum
39. Sec. ult.
D. de leg. 1.
L. universi. 9.
Or. 1. seq. C
de fundo pa-
trim.

it with any propriety? If it be a Patrimonial, is it not such a one that at least the paramount propriety remains still in the people which were the doners? Briefly if the revenue of the Exchequer, or the demeans of the Kingdome, be called the dowrie of the Common-wealth, and by good right, and such a dowrie whose dismembering or wasting, brings with it the ruine of the publick States, the Kingdom and the King, by what Law shall it be lawfull to alienate this dowrie? Let the Emperor *Wenceslaus* be infatuated, the French King *Charles the six* lunatick, and give or sell the Kingdom, or part of it to the English *John* or *Richard* King of the *Scots*, lavishly dissipate the demeans and consume the publick treasure, what follows for all this? Those which oblige the King to withstand the invasions of forrein enemies, shall aby through his madnesse & negligence be made the slaves of strangers, and those meanes & wealth, which would have relieved them in the fruition of their own estates and fortunes. Shall they by the election of such a King be exposed to the *King* or *Caprice* of all commers, and that which particular persons have saved from their own necessities, and from those under their tutourship and government, (as it hapned in *Scotland*) to indeue the Common-wealth with it, shall it be devoured by some Pandar or Broker for unclean pleasures?

But if as we have often said, that Kings were constituted for the peoples use, what shall that use be, if it be perverted into abuse? What good can so much mischiefe, and inconvenience bring, what profit can come of such eminent and irreparable damages and dangers? If (I say) in seeking to purchase my own liberty & welfare, I ingage my selfe into an absolute thrall dome, and willingly subject my selfe to another's Yoake, and become a fettered slave to another mans unruly desires, therefore as it is imprinted in all of us by nature, so also hath it by a long custome been approved by all Nations, that it is not lawfull for the King by the counsell of his own fancies and pleasure, to diminish or waste the publick revenue; and those which have run a contrarie course, have even lost that happy name of a King, and stood branded with the infamous title of a Tyrant.

I confess that when Kings were instituted, there was of necessity meane to be assigned for them, as well to maintain their Royall dignity, as to furnish the expence of their traine and Officers;

Civility

The same sea-
son is recorded
for all our Im-
ports in Eng-
land, with
which a Navy
was wont to
be maintained
at Sea.

Archi in Can.
si quis Romi
petas & pereg.
24.9.3. Balaia
c. 1. Sec. con-
venticula, de
pace iure ing.
fir. l. 2. D. ne
quid in loco
publ. viariam.

L. magis plus nichil posse habere, the life, or the water, was a corrosive thing called
L. de robis. It was used in the city of Asia, began to lay some impolitum upon the
cerum.

Iur. Sat 4.
Si quid pal-
phurio, si credi-
mus Armilla-
so, Quicquid
conspicuum
galchrumq; ex
arquore too-
ssi, Res fisci
est, ubicunque
natur.

2 King. 9.15.

Ростов. II. 3. 60

ships the hoys, the ays, or the water; as a certain King called
Henry in the latter Age, began to lay some impositions upon the
Sea-farers, as actors as it were, impertinently bearing such a
straint of novelle-ley, that shippes are said to date so suddenly.
Now although certaine Member of the Court would persuade
us at this day, (as *Julius* complained in his time) that the Sea
affords no thing of worth, or good, which falleth not within the
commissie of the Kings Prerogative. And quod of his, beth enq
i. He that will bringe this taxation into Law, bese the *Longe*
Lynne, who therfore gained the surname of *sherry*, neither was
so desirous in the Commonwealth the expensie necessary. And in
France King *Philip* the long, for the same reason obtained of the
Parlement the imposition of the Salt for his spacie-land, which did
nothing but trouble the costines, since it was of much bled away
the costines. To be honest all Tribus were in of bled and the
same. And so finally from the court of Appeals side the laws of
navigation were made in *Normandie*: Opened at *Caen* in *Normandie*, 1346 to
the *General Assembly* to the *Envoyes* holden at

being employed in private designs, and for particular ends and purposes, the Emperor wears, according to the laws of Toltotz who is master, but by the authority of the Estates of the Empire. As much do the Kings of France, Hungary, and Poland, provide the same, and like manner, as they have the same into their hands by the Laws of Henry the third, and Edward the first, 1305, and 1313, as follow.

The several Kingdams, provinces, and cities in the Empire, in the Assemblies, and with the consent of the Estates, shall be bound to pay the same, sprung the law of Henry of France, that the people should not have any tribute laid on them but in urgent necessity, and with the consent of the Estates. You and specially after these monies were collected, they were to be sent to the King, by the Diccaus, and recommended to the special care of the clerks in their towns, who are the same, which are to be called, Electors, to the end that they should pay the soldiers employed within the Towns of their Diocesses; as also, which warms in other Countries, as Germany, through many, and populous Dioceses; yet without the consent, and confirmation of the Parliament, no tribute may be collected, except within the certain Provinces which are not bound to any thing, without the approbation of the Emperor of the Country, as Augsbourg, Bamberg, Franconia, Danemarke, and some others. All this Province of the said Countries, have the same privileges; but the King, like the Electors, do void all like the spleen which exhales the spirit from the other members, but in the body. In small places they have poofed the Electors, within its proper boundes and limits. Seeing then it is most certaine that what hath beene indifferently and extraordinarily assigued to Kralgs, towns, Tribunes, Taxes, and all the demesnes which comprehend all customes both for importations, and exportations, forfeitures, affercements, royall escheates, confiscations, and other dues of the same nature, were configned into their hands for the maintenance and defence of the people, and the State of the Kingdom, insomuch as if the like were, on the people, nothing, it is to their decay, and indemnishing these foundations, the Kingdom will come to utter ruin. It necessarily follows, which law layes impositions on the people only to oppresse them, and by the publick assent, seek private profit, and waste their own swords, kills his subjects, he tresseth in unrightly the name of a King: Whereas contrarily, a true King, as he is

Gen. 23.

Bleyd. I. I. &
bulla aurea.

L. 1. & passim
i. de cons. re.
alien. nancier.
in Chron.

There is a Law very ancient in the Kingdom of France which pro-
hibits the alienating of any of the Kingdoms Lands in the which also
was confirmed by King Louis in the year 1250. In France it is now a law,
that there is no man, who is not made to Pope, Henr. 11. Mach. 10. 1250
King, Duke, or Baron, who may alienate the Crown Lands contrary to this, or to the Law of England with
the Law of King Edward in the year 1290. Likewise in France
by the Ordinance made under Edward, and renewed in the year
1305, in the Assent of the Estates of both the Kingdoms, which
affirms all the things before written before Customs had laid down the rigor
and effects of law. Now for the Kingdom of France where so I. Long
and so many laws, because the law in a short space is a picture to them,
the right itself ever remained unbroken in violacion; he is, and of the small
number of the Kings and Dukes, who have had the Kingdom,
few, that the Ordinance may not be violated, that he which Long is among
them, (although but ill observed,) was Edward. There are no less
except the exceptions of the usages of the children and brothers of
the King, you will chide scolding, that the right of the King is
not observed to the French, in like manner as the Englishmen of the
King, require necessarily as the Frenchmen, you will be told, the plainer of
the exception. Absurdly, because no other was of validity,
but by the commandments of the States, that day since the 1250
have been made to the French; the 1250, which is the
Court of the King, and the Council of the King, and the Treasury
of the King, have approved it; as the children of God, that is to say, in the
whole. This is nothing so strange, that of the ancient Kings, others give
would endow a Church (which though that was a work, which is a rite
in these days) they were not to be had above as have an allow-
ance of the King to the King, who might not endow the
Abbey of St. Vincent at Paris, before he had the French and Normans
conquer. Of the 1250, and other Kings have observed this same. They
might neither omit the regalities by granting franchises, nor
the nomination of Prelates in any Church. And if any of them have
done so, as Louis the 9th, Philip the 4th, Philip the 5th, and Augustus the 2d,
year of the Church of Jesus Christ, and New, the 1250, the Parliament
declared it void. Where the King is anointed at Reims, he swears to ob-
serve this Law; and if he infringe in that, he hath as much validicid de leg. 1250
with it, as if he contravened to sell the Empire of the great Turk, to
Sophie of Persia. From which spring the Constitutions or Ordinances of
Philip 6. of John 2d. of Charles 5th. 6th. and 8th. by which they revoke
all alienations made by their Predecessors.

In the Assembly of the Estates at Tournay, where King Charles the 8th. Anno 1483. was in person, divers allegations made by Louis 11. were appealed; 1522. 1531. and admitted, and therof was taken away from the Heire of France 1549. 1563. by divers of the following Mynisters, divers places wherof I haue written by Decrees of the Court of Parlement. 1581. his proper Authoritie. This was finally ratified in the last Assembly of the Estates held at Orléans. Thus much concerning the Kingdome of France. But to shew ther we may be more clearly perswaid that the Kingdome is preferred before the Kingdome then haunther his bisches proper Authoritie eliminateth his Majestie in that hee removeth from the people, nor infanchiseth or releaseth from his Domination any one of his Subjects nor waileth relinquisheth Sovereignty of the lande or of his

Anno 1525. filament declared void the Agreement made at 1523 concerning the Duchy

of Edward. But the dominion had by Charles the 1st and his son of England of the king of France after his decess is a sufficient testimony for this matter, and of his malice if there had been no other proof: But to leave off producing any further testimony, examples

and the Parsons themselves cannot compel the infranchisde servants
to make their habitations in other places then themselves like. The
which is either to be allowed, in that Subjects are neither Servants
nor infranchisde Servants, but brothers; and not only the Kings
themselves taken one by one, but also considered in one body, they ought
to be esteemed absolute Lords, and owners of the Kingdom.

Whereto?

Whether the King be the proprietor of the Kingdom.

But if the King be not Lord in propriete, yet at the least we may presume him misfruitor of the Kingdom and of the Demeane; may truly we dar allow him to have the uswaine, for being misfruitor though the proprieite remain in the proprie, yet may he absolutely dis-
pose of the profits, and ingage them at his pleasure. Now we haue already proved, that Kings of thicke own Authority cannot ingage the Recouery of the Exchequer, or the Demeane of the Kingdom. The misfruitor may dispose of the poftion at thicke how, and when he ple-
seth. Considerately the exellent gift of Almes haue ever judged vaine, his unnecessary expences are not allowed, his superfluous to be cut off, and that which is expended by him in any other occasion but for the publick welfare, is justly esteemed to be unjustly exacted. And is no infallible to the Law. *Civitas*, then the meane *Civis* Citizen former-
ly whiche from the Kings gifts are reme of force, unill the Chamber of Accounts haue confirmed them. From hence proceed the pofties of the ordinary Chamber in the giving up of the Accounts in the shape of prodigall kings. *Top. donis. for. regis.* which is exellent gifts to be recalled. The judges of this Chamber solamente haue to poffe nothing which may pefudile the Kingdom or the publick State, notwithstanding hys letters the King shall write unto them; but they are not alwayes so misfull of this as hys were to be defire.

At this point, the Law takes no care how a misfruitor possesse, and govern his revenue, but contrariwise the pefcription since the King haue aske what hys he shall impole his. For the ancient Kings of France haue bounden to divide their roiall revenues into four parts. The firme impole in the maintaining of the Ministers of the Church, and poyding for the poore. The secound for the Kings ser-
vites. The third for the wages of his Officers and hys hold seruantes: The last in the repairing of bridges, castles, and the roiall Palaces. And what was remaining was layd up in the treaure, to be below-
-ed on the beſtſes of the Common wealth. And Histories do at large in Cor. 6.
relate the trouble and enuit, which hapred about the year 1442
in the Assemblie of the Barons of Frou, becaufe Clerke the fift had
wished all thid money that was raised, of the roame and demeane, in
his owne and his ministrants pleſures, and that the expences of
the Kings houſe hold which before exceeded not the ſumme of 94000.
Francis did ſtand in that ouerable estate of the Common wealth
to five hundred and forty thouſand francs. Now as the demeane
was impole in the before mentioned affaires: ſo the aydes were one-
ly

ly for the wife and the like, required for the payment of the men at
Armen, and for no other occasion. In which Kingdom the King hath
the greater authority, and the lesser before especially in the Empire of
Greece, and in the Kingdoms which are made chief of the Kingdom
of France, to the end that by his help he may have any special privi-
lege above others; because when perhaps the dominion wealth reac-
ches to that extremity which as I have before said, the name of a
Kingdom, and a Kingdom is a Proprietor of the fruits of the Earth.

ous: for what the *Roma* assumed under the colour of right, they would have made no difficulty if that pretext had been wanting to have taken by force: we have seen almost in our daies how the *Venetians* possell themselves of the Kingdom of *Ciprus*, under pretence of an imaginarie adoption w^{ch} would have proved ridiculous if it had not been seconded by power and armes. To which also may be not unfitly resembled the pretended donation of *Constantine* to Pope *Silvester*, for that straw of the decretalist *Gratian*, was long since consumed and turned to ashes, neither is of more validity, the grant which *Levi* the courteous made to Pope *Pascual* of the City of *Rome*, and part of *Italia*, because he gave that which he possessed not, no man opposed it: But when his Father *Volater. I. Ge-*
Charlemain would have united & subiected the Kingdome of *France* *ogr. 3.*
to the German Empire, the *French* did lawfully oppose it: and if he had perfidit in his purpose, they were resolued to have hindered him, and defendid themselves by armes. There can be to as little advantage alledged that a^ct of *Solomons*, whom we read to have de- *1 Kings 9. 11.*
*livered twenty Towns to *Hiram* King of *Tire**: for he did not give *2 Chron. 8.2.*
*them to him but for the securing of the Talents of gold which *Hiram** had lent him, and they were redeem'd at the end of the term, as it appears by the Text. Further, the soile was barren, and hot-banded by the remaining *Cananites*: But *Solomon* having redē-
*med it out of the hands of *Hiram*, delivered it to the *Israelites* to be*
inhabited and tilled. Neither servit it to much more purpose to
alleadg that in some Kingdomes, there is no expresse agreement be-
tween the King and the people: for suppose there be no mention
made, yet the law of nature teacheth us that Kings were not ordain-
ed to raine, but to govern the Common-wealths, and that they *L. 2. S. jus rei-*
*may not by their proper authority alter or change the rights of the pub. *V. de ad-**
*publique State, and although they be Lords, yet can they challenge *ministrat. ver.**
*it in no other quality, then as Guardians do in the tuition of their *ad civit. pert.**
pupils; neither can wee account him a lawfull Lord, which de- *I. tutor. 27.D.*
priveth the Common-wealth of her liberty, and sels her as a slave: *L. si fundum*
*Briky, neither can we alleadg, that some Kingdomes are the *lect. si sui. D.**
proper acquisit of the King himselfe, insomuch as they were not *depositi et ex-*
conquered by their proper meanes and swordes, but by the hands, *preffus. Ex-*
and with the wealth of the publique; and there is nothing more a- *travag. de re-*
*greable to reason, then that which was gained with the joynyt fa- *judicata, c. in-**
*culties, and common danger of the publique, should not be alien'd *tellito.**

disposed of, without the consent of the States which represent the Common-wealth : and the necessity of this law is such, that it is of force amongst robbers and free-booters themselves. He which follows a contrary course, must needs ruine humane society. And although the French conquered by force of arms, the Countreyes of Germany and Gaul, yet this before mentioned right remains still in force.

L. 2, et passim.
C. de interd.
Com. rer. alic-
nat.

To conclude we must needs resolve, that Kings are neither proprietors, nor usu-fructuaries of the royall patrimony : but only administrators : and being so, they can by no just right attribute to themselves the propriety, use or profit of private mens estates, nor with as little reason the publique revenues, which are in truth only the Common-wealths.

1. Sam. 8. 7.
&c.

But before we passe any further, we must here resolve a doubt. The people of *Israel* having demanded a King, the Lord said to *Samuel*: hearken unto the voice of the people: notwithstanding, give them to understand what shall be the manner of the King which shall reigne over them: *he will take your fields, your vineyards, your olive-trees, to furnish his owne occasions, and to enrich his servants: briefly, he will make the people slaves.* One would hardly believe in what estimation the Courtiers of our times hold this Text, when of all the rest of the holy Scripture they make but a jest. In this place the Almighty and all good God, would manifest to the *Israellites* their levitie, when that they had God himselfe even present with them, who upon all occasions appointed them holy Judges, and worthy Commanders for the Wars, would notwithstanding rather subject themselves to the disordered commandements of a vaine mutable man, than to the secure protection of the omnipotent and immutable God. Hee declares then unto them in what a slippery estate the King was placed, and how easily unruly authority fell into disordered violence, and Kingly power was turned into tyrannous wilfulness. Seeing the King that he gave them, would by preposterous violence draw the sword of authority against them, and subject the equity of the lawes to his owne unjust desires: and this mischief which they wilfully drew on themselves, they would happily repent of, when it would not be so easily remedied. Briefly, this Text doth not describe the right of Kings, but what rights they are accustomed to attribute to themselves: not what by the privilege of their places they may justly doe: but what power for the satisfying

Satisfying of their owne lusts, they unjustly usurp. This will manifestly appear from the 17. Chapter of *Deuteronomy*, where God appoints a law for Kings. Here saies *Samuel* the King will use his Subjects like slaves: there God forbids the King to lift his hand above his brethren: to wit, over his Subjects, whom he ought not to insult over, but to cherish as his kinsmen. *Hee will make Chariots, leavy horse-men, and take the goods of private men*, saies *Samuel*: on the contrary in *Deuteronomy*, he is exhorted not to multiply horse men, nor to beape up gold and silver, nor cause the people to returne into *Egypt*, to wit, into bondage. In *Samuel* we see pictured to the life wicked *Abab*, which by pernicious meanes gets *Nababs* Vineyard: there *David*, who held it not lawfull to drinke that water which was purchased with the danger of his Subjects lives. *Samuel* foretels that the King demanded by the *Israelites*, in stead of keeping the lawes, would governe all according to his own fancies: on the contrary, God commands that his Law should by the Priests be delivered into the hands of the King, to copie it out, and to have it continually before his eyes. Therefore *Samuel* being high Priest, gave to *Saul* the royall law contained in the 17. of *Deuteronomy*, written into a book, which certainly had been a frivilous act if the King were permitted to break it at his pleasure. Briefly, it is as much as if *Samuel* had said. *You have asked a King after the manner of other Nations, the most of whom have Tyrants for their Governors*: You desire a King to distribute justice equally amongst you: but many of them think all things lawfull which their owne appetites suggests unto them; in the meane season you willingly shake off the Lord, whose only will is equity and justice in the abstract.

In *Herodatus* there is a history which plainly expresses, how apt the royall governement is to degenerate into tyranny, whereof *Samuel* so exactly forewarns the people. *Deioces* much renowned for his justice, was first chosen Judge amongst the *Medes*: presently after, to the end hee might the better represe those which would oppose justice, he was chosen King, and invested with convenient authority, then he desired a guard, after a *Citadell* to be built in *Ecbatana* the principall Citie of the Kingdome, with colour to secure him from conspiracies and machinations of Rebels; which being effected, he presently applies himselfe to revenge the least displeasures which were offered him with the greatest punishments.

Finally, no man might presume to looke this King in the face,

Deut. 17.

1 Kings 21.

2 Sam. 23. 16.

Herod. l. 2.

and to laugh or cough in his presence, was punished with grievous torments. So dangerous a thing it is, to put into the hands of a weake mind (as all mens are by nature) unlimited power. *Samuel* therefore teacheth not in that place, that the authority of a King is absolute: on the contrary hee discreetly admonisheth the people not to enthrall their liberty under the unnecessary yoke of a weak and unkyll Master: he doth not absolutely exclude the royall authority, but would have it restrain'd within its own limits: he doth not amplifie the Kings right with an unbridled and licentious liberty: but rather tacitly persuades to put a bitt into his mouth. It seemes that this advice of *Samuels* was very beneficall to the *Israelites*, for that they circumplexly moderated the power of their Kings, the which most Nations growne wise, either by the experience of their own, or their neighbours harmes, have carefully looked unto, as will plainly appear by that which follows.

An alliance
or covenant
between the
K. & the people.

Deut. 17.

1 Sam. 10.27.
2 Sam. 5. 3.

1 Chron. 11.3.

2 King. 11.17.
& 12.

2 Chron. 23.3.

2 King. 23.3.

We have shewed already, that in the establisheing of the King, there were two alliances or covenants contracted: the first between God, the King, and the people, of which wee have formerly treated: the second between the King and the people, of which wee must now say some what. After that *Saul* was established King, the royall Law was given him, according to which he ought to govern. *David* made a *Covenant* in *Hebron* before the *Lord*, that is to say, taking God for witness, with all the ancients of *Israel*, whicb represented the whole bodie of the people, & even when he was made King. *Joshua* also by the mouth of *Jebosada* the High Priest, entered into Covenant with the whole people of the land in the house of the *Lord*: And when the Crowne was set on his head, together with it was the law of the Testimony put into his hand, which most expounds to be the law of God: likewise *Joshua* promiseth to observe and keepe the Commandements, Testimonies and Statutes comprised in the booke of the Covenant: under which words are contained all which belongs to the duties both of the first and second Table of the law of God. In all the before remembred places of the holy story, it is ever said that a *Covenant* was made with all the people, with all the multitude, with all the Elders, with all the men of *Juda*: to the end that we might know, as it is also fully expressed, that not only the principals of the Tribes, but also all the Milleniers, Centurions, and subalterne Magistrates should meeke together, each of them in the name, and for their Townes and Communalties, to covenant and contract.

contract with the King. In this assembly was the creating of the King determined of : for it was the people that made the King, and not the King the people.

It is certain then, that the people by way of stipulation, require a performance of covenants, the King promises it. Now the condition of a Stipulator is in termes of law more worthy than of a promiser. The people asketh the King, whether he will govern justly and according to the lawes ? He promiseth he will. Then the people answereth, and not before, that whilst he governes uprightly, they will obey faithfully. The King therefore promiseth simply and absolutely, the people upon condition : the which failing to be accomplished, the people rest according to equity and reason, quit from their promise.

In the first covenant, or contract, there is onely an obligation to piety : in the second, to justice. In that the King promiseth to serve God religiously : in this, to rule the people justly. By the one he is obliged with the utmost of his endeavours to procure the glory of God : by the other, the profit of the people. In the first there is a condition expressed, If thou keep my commandments : in the second, If thou distribute justice equally to every man. God is the proper revenger of deficiency in the former, and the whole people the lawfull punisher of delinquency in the latter, or the Estates, the representative body thereof, who have assumed to themselves the protection of the people. This hath been alwayes practised in all well-governed Estates. Amongst the Persians, after the due performance of holy Rites, they contracted with *Cyrus* in manner following.

Thou, O Cyrus, in the first place, shalt promise, That if any make war against the Persians, or seek to infringe the liberty of the Lawes, thou will with the utmost of thy power defend and protect this country. Which having promised, they presently adde, *And we Persians promise to be aiding to keep all men in obedience, whilst thou defendest the country.* Zenophon calls this agreement, *A Confederation* ; as also Isocrates calls that which he writ of the duties of subjects towards their Princes, *A Discourse of Confederation*. The alliance or confederation was renewed every moneth between the Kings, and Ephores of *Sparta*, although those Kings were descended from the line of *Hercules*. And as these Kings did solemnly swear,

*Zenophon lib.
8. 8. ed.*

*Zenoph. in
tract. de repub.
Laccede.*

to govern according to the Lawes, so did the Emperors also to maintaine them in their authority, whilst they performed their promise. Likewise in the Romane Kingdome there was an agreement between Romulus, the Senate, and the people, in this manner: *That the people shalld make Lawes, and the King louke they were kept: The people shalld decree wch, and the King shalld manage it.* Now although many Emperours rather by force and ambition, than by any lawfull right, were seafid of the Roman Empire, and by that which they call a Royall Law, attributed to themselves an absolute authority; notwithstanding by the fragmentes which remain both in books, and in Roman Inscriptions, of that Law, it plainly appeares, that power and authority was granted them to preserve and govern the Common-wealth, nor to ruine and oppresse it by tyranny. Nay, all good Emperours have ever professed, that they held themselves tied to the Laws, & received the Empire from the Senate, to whose determination they alwayes referred the most important affaires, and esteemed it a great error without their advice to resolve on the occasions of the publick State.

If we take into our consideration the condition of the Empires, Kingdomes and States of times, there is not any of them worthy of those names, where there is not some such covenant or confederacy between the people and the Prince. It is not long since that in the Empire of Germany, the King of the Romanes being ready to be crowned Emperour, was bound to doe homage, and make oath of Fealty to the Empire, no more nor lesse than as the vassall is bound to doe to his Lord when he is invested with his fee. Although the form of the words which he is to sware, have been somewhat altered by the Popes, yet notwithstanding the substance still remains the same. According to which we know that Charles the fifth of the house of Austria, was under certain conditions chosen Emperour, as in the same manner his successors were, the summe of which was, that he should keep the Lawes already made, and make no new ones without the consent of the Electors, that he should govern the publick affaires by the advice of the generall Estates, nor ingage any thing that belongs to the Empire, and other matters which are particularly recited by the Historians. When the Emperour is crowned at Aquis-grave,

grow, the Archbishop of *Canterbury* requires of him in the first place, If he will maintain the Church, if he will distribute justice, if he will defend the Empire, and protect Widowes, Orphans, and all other worthy of compassion : The which after he hath solemnly sworn before the Altar, the Princes also which represent the Empire, are asked, if they will not promise the same; neither is the Emperour anointed, nor receives the other Ornaments of the Empire, before he have first taken that solemn oath. Whereupon it follows, that the Emperour is tied absolutely, and the princes of the Empire, under condition. That the same is observed in the Kingdome of *Polonia*, no man will make question, who had but seen or heard of the ceremonies and rites wherewith *Henry of Anjou* was lately chosen and crowned King of that Countrey, & especially then when the condition of maintaining of the two Religions, the Reformed and the *Roman*, was demanded, the which the Lords of the kingdome in expresse termes required of him three severall times, and he as often made promise to perform. The same is observed in the Kingdomes of *Bohemia*, *Hungary*, and others; the which we omit to relate particularly, to avoid prolixity.

Now this manner of stipulation is not onely received in those Kingdomes where the right of election is yet entirely observed; but even in those also which are esteemed to be simply hereditary, When the King of *France* is crowned, the Bishops of *Laon* and *Beauvois*, Ecclesiasticall Peeres, ask all the people there present, whether they desire and command, that he which is there before them, shall be their King? Whereupon he is said even then in the stile of the inauguration, to be chosen by the people: and when they have given the signe of consenting, then the King sweares that he will maintaine all the rights, priviledges, and lawes of *France* universally, that he will not aliene the Demeane, and the other Articles, which have been yet so changed and accommodated to bad intentions, as they differ greatly from that copie which remaines in the Library of the Chapter of *Beauvois*, according to which it is recorded, that King *Philip*, the first of that name, tooke his Oath at his Coronation; yet notwithstanding they are not unsightly expressed: Neither is he girded with the sword, nor anointed, nor crowned by the Peeres (who at that time.

time weare Coronets on their heads) nor receives the Scepter and rod of Justice, nor is proclaimed King, before first the people have commanded it: neither doe the Peeres take their oaths of allegiance before he have first solemnly sworne to keepe the Lawes carefully.

And those be, that he shall not waste the publieke revenue, that he shall not of his own proper authoritie, impose any taxes, customes, or tributes: that he shall not make peace or warre, nor determine of State-affaires, without the advise of the Councell of State. Briefly, that he shoud leave to the Parliament, to the States, and to the Officers of the Kingdome, their authoritie intire, and all things else which have been usually observed in the Kingdome of *France*. And when he first enters any Cittie or Province, he is bound to confirme their priviledges, and sweares to maintaine their Lawes and Customes. This is straitly observed in the Cities of *Tholouse*, and *Roche*, and in the Countries of *Daulphinie*, *Province*, and *Britaine*: The which Townes and Provinces have their particular and expresse Covenants and agreements with the Kinge, which must needs be voyde, if the condition expressed in the Contract be not of force, nor the Kings tied to the performance.

In Annal. Burgund.
There is the forme of the Oath of the ancient Kings of *Burgundie*, yet extant in these words: *I will protect all men in their rights, according to Law and justice.*

In *England*, *Scotland*, *Sweden*, and *Denmark*, there is almost the same custome, as in *France*: but in no place there is used a more discreet care in their maner of proceeding, than in *Spaine*. For in the Kingdome of *Arragon*, after the finishing of many Ceremonies, which are used between him, which represents the *Justitia major* of *Arragon*, which comprehends the majestie of the Common wealth, seated in a higher seate, and the King, which is to be crowned; who sweares fealtie, and does his homage: and having reade the Lawes and conditions, to the accomplishment whereof he is sworne.

Finally, the Lords of the Kingdome use to the King these words in the vulgar Language, as is before expressed, page 60: *Wee which are as much worth as you, and have more power than you, choose your King upon these and these conditions, and there is one between*

Nos qui valemos tanto como vos, y podemos mas que

ween you and us, which commands over you. But least the King should thinke he swore onely for fashion sake, and to observe an olde custome, every third yeare in full assemblie of the Estates, the very same words, and in the same manner are repeated unto him.

And if under pretext of his royll dignite he become insolent, violating the Lawes, and neglect his publick faith and promise given, then by the privilidge of the Kingdome, he is judged, excommunicated, as executable as *Julian the Apostata* was by the primitive Church: which excommunication is esteemed of that validitie, that instead of praying for the King in their publick oraysons, they pray against him, and the subjects are by the same right acquit from their oath of Allegiance: as the vassall is exempted from obedience and obligation by oath to his Lord which stands excommunicated, the which hath been determined and confirmed both by act of Councell and Decree of State in the Kingdome of *Arragon*.

In like manner, in the Kingdome of *Castile* in full assembly of the Estates, the King being readie to be crowned, is first in the presence of all advertised of his dutie: and even then are reade the Articles discreetly composed for the good of the Common-wealth, the King swears he will observe and keep them carefully and faithfully; which being done, then the Constable takes his oath of allegiance, after the Princes and Deputies for the Townes sware each of them in their order; and the same is observed in the Kingdomes of *Portugall*, *Leon*, and the rest of *Spaine*. The lesser principallities have their institution grounded on the same right. The contracts which the *Brabancers* and the rest of the *Nesberlanders*, together with those of *Austria*, *Cariushia*, and others, had with their Princes, were alwayes conditionall. But especially the *Brabancers*, to take away all occasion of dispute, have this expresse condition: which is that in the receiving of their Duke, there is read in his presence the ancient Articles, wherein is comprised that which is requisite for the publick good; and thereunto is also added, that if he doe not exactly and precisely observe them, they may choose what other Lord it shall seeme good unto them; the which they doe in expresse words protest unto him. He having allowed and accepted of these Articles, doth in that publick assemblie promise and solemnly sware to keep them. The which was

*In Concil. To-
let. 4. c. 74.
& in Tolet. 6.
lib. 2. feud.
tit. 28. sett. 1.*

*La Joyeuse
entree.*

*Ludovicus
Guicciard. in
Discrpt. Bel-
gia.*

*L. I. D. Ac.
patt. 1. non
minorum 20.
D. de translati-*

*Lib. 2. feudor.
tit. 26. S. 24.
& tit. 47.
Dionys. Halic.
lib. 2.*

obſerved in the reception of Philip the ſecond King of Spain. Briefly, there is not any man can denie, but that there is a contract mutually obligatorie between the King and the Subjects, which requires the people to obey faithfully; and the King to governe lawfully, for the performance whereof the King ſweares first, and after the people.

I would askē here wherefore a man doth ſwear, If it be not to declare, that what he delivers he ſincerely intends from his heart? Can any thing be judged more neare to the law of nature, than to obſerve that which we approve? Furthermore, what is the reaſon the King ſweares first, and at the inſtance, and required by the people, but to accept a condition either tacite or expreſſed? Wherefore is there a condition opposed to the Contract, if it be not that in failing to perorme the condition, the contract according to law remains voyde? And if for want of ſatisfying the condition by right, the contract is of no force: who ſhall dare to call that people perjured, which refuſeth to obey a King which makes no account of his promise, which he might and ought to have kept, and wilfully breakes thole lawes which he did ſwear to obſerve? On the contrary, may we not rather体现出 such a King perfidious, perjured, and unworthy of his place? For if the Law free the vaf- fall from his Lord, who dealt feloniously with him, although that to ſpeakē properly the Lord ſwearēth not ſelecti to his vaf- fall, but he to him: if the Law of the twelve Tables doth decēde and hold in execration the protector that defraudeth him that is under his tutiō: If the civil Law permiſt an infranchiſed Servant to bring his aſſiōn againſt his patro, for any grievous uſage: if in ſuch caſe the ſame Law delivers the ſlave from the power of his Maſter, although the obligation be naturall onely and not civil: is it not much more reasonable that the people be looſed from that oath of allegiance which they have taken, if the King (who may be not ſuſtiently reſembled by an Attorney ſworne to looke to his Client's caſe) ſiſt breakē his oath ſolemniſtly taken? And what if all these ceremonies, ſolemni oaths, may ſacramentall promiſes had never been taken? Doth not nature her ſelf ſufficiently teach that Kings were on this condition ſworne by the people, that they ſhould governe well? Judges that they ſhould diſtribue justice uprightly? Caſtaines in the warre, that they ſhould lead their Armies againſt their enemis: If on the contrary, they themſelves forrige and ſpoile their

their subjects, and instead of governors become enemies, as they leave indeed the true and essentiaall qualites of a King, so neither ought the people to acknowledge them for lawfull Princes. But what if a people (you will reply) subdued by force, be compeld by the King to take an oath of servitude ? And what if a robber, pirate, or tyrant, (I will answer) with whom no bond of humane societie can be effectuall, holding his dagger to your throate, constraine you presently to become bound in a great sum of money ? Is it not an unquestionable Maxime in Law, that a promise exacted by violence cannot binde ? especially if any thing be promised against common reason, or the law of nature ? Is there any thing more repugnant to nature and reason, than that a people should manacle and fetter themselves; and to be obliged by promise to the Prince, with their own hands and weapons to be their own executioners ? There is therefore a mutuall obligation between the King and the people, which whether it be civil or naturall onely, whether tacite, or expressed in words, it cannot by any meanes be annihilated, nor by any Law be abrogated, much leſſe by force made voyde. And this obligation is of ſuch power, that the Prince which wilfully violates it, is a tyrant : and the people which purpoſely breaks it, may be justly termed ſeditious.

Cicer. I. Offic.

Hitherto we have treated of a King, it now reſts wee doe ſome-what more fully deſcribe a Tyrant. Wee have ſhewed that he is a King, which lawfully governes a Kingdome, either derived to him by ſucceſſion, or committed to him by Elecſion. It followes therefore that he is reputed a tyrant, which as oppoſite to a King, either gaines a Kingdome by violence, or indirect meanes, or being in-veſted therewith by lawfull elecſion or ſucceſſion, governes it not according to law and equitie, or neglects those contracts and agreements, to the obſervation whereof he was ſtrictly oblieged at his reception. All which may very well occurr in one and the ſame perſon. The firſt is commonly called a tyrant without title : the ſecond a tyrant by praſtice. Now it may well ſo come to paſſe, that he which poſſeſſeth himſelfe of a Kingdome by force, to governe juſtly, and he on whom it deſcends by a lawfull title, to rule unjuſtly. But for ſo much as a Kingdome is rather a right than an inheritance, and an office than a poſſeſſion : he ſeemeth rather worthy the name of a tyrant, which unworthyli-ly acq-uisiteth himſelfe of his charge, than he which entered into his place by a wrong dore. In

*Who may
truly be cal-
led tyrant ?*

*Ariſt. lib. 5.
poli. c. 10.*

*Bartol. in
tract. de ty-
rannide.*

the same fence is the Pope called an intruder which entered by indirect means into the papacy: and he an abuser which governs it in it.

Piibagoras sayes, That a worthy stranger is to be prefer'd before an unworthy Citizen, yea though he be a Kinsman. Let it be lawfull also for us to say, that a Prince which gained his Principality by indirect courses, provided hee governe according to law, and administer justice equally, is much to be preferred before him, which carrieth himselfe tyraannously, although hee were legally invested into his government with all the Ceremonies and Rites thereunto appertaining.

For seeing that Kings were instituted to feede, to judge, to cure the diseases of the people: Certainly I had rather that a Thiefe should feede me, than a Shepherd devoure me: I had rather receive justice from a Robber, than outrage from a Judge: I had better be healed by an Empirick, than poysoned by a Doctor in Physicke. It were much more profitable for me to have my estate carefully managed by an intruding Guardian, than to have it wasted and dissipated by one legally appointed.

And although it may be that ambition was his first solicitor, to enter violently into the government, yet may it perhaps appeare

Zenophon. Plutarchus in Alexander. in Bembo. Cesare. Livius. lib. 1. Suetonius. in Cesare. c. 75. he affected it the rather to give testimonie of his equity and moderation in governing, witness *Cirrus*, *Alexander*, and the *Romans*, which ordinarily accorded to those people they subdued, permission to governe themselves according to their owne lawes, customes, and priviledges, yea sometimes incorporated them into the body of their owne state: on the contrary, the Tyrant by practise seemes to extend the priviledge of his legall succession, the better to execute violence and extortions, as may be seene in these dayes, not only by the examples of the *Turkes* and *Mogovites*, but also in divers Christian Princes: therefore the act of one which at the first was ill, is in some reasonable time rectified by justice: whereas the other like an inveterate disease, the elder it growes, the worse it affects the Patient.

August. in lib. 4. c. 4. de civi. de ci. Now if according to the saying of Saint *Augustine*, those kingdomes where justice hath no place, are but a rapsodie of freebooters; they are in that, both the Tyrant without title, and he by practise alike, for that they are both thieves, both robbers, and both unjust possessors, as he certainly is no lefe an unjust detayner which takes another mans goods against the owners

owners will , than hee which employes it ill when it was taken before.

But the fault is without comparison , much more greater of him which possesseth an estate for to ruine it , than of the other which made himselfe Master of it to preserve it.

Briefely , the Tyrant by practise vainely colouring his unjust extortions with the justice of his title , is much more blameable then the Tyrant without title , who recompenceth the violence of his first intrusion in a continued course of a legall and upright government.

But to proceed , there may be observed some difference a- Tyrants with-
mongst Tyrants without title : For there are some which am- out title .
bitiously invade their neighbours Countreyes , to enlarge their
owne , as *Nimrod* , *Minus* , and the *Canaanites* have done . Al-
though such are term'd Kings by their owne people , yet to those
on whose confines they have encroached without any just. rights
or occasion , they will be accounted Tyrants .

There be others which having attained to the government of an elective Kingdome , that endeavour by decefull meanes , by corruption , by present , and other bad practises , to make it be-
come hereditary . For witness whereof , wee needes not make
search into elder times ; these are worse than the formeris , for so
much as secret frand , as *Cicerio* saith , is ever more odious than o-
pen force .

There be also others which are so horribly wicked , that they
seeke to enthrall their own native Countrey like the viperous brood
which gnaw through the entralls of their mother : as be those Ge-
nerals of Armies created by the people , who afterwards by the
meanes of those forces make themselves masters of the State , as
Cesar at *Rome* under pretence of the Dictatorship , and divers Prin-
cesses of *Italy* .

There be women also which intrude themselves into the govern-
ment of those kingdoms which the lawes only permit to the males ,
and make themselves Queenes and Regents , as *Atbalia* did in *Ja-
dab* , *Semiramis* in *Affria* , *Agripina* in the *Roman Empire* in the
Reign of her sonne *Nero* , *Mammes* in *Alexander Severus* his time ,
Semiamira in *Heliogabalus* ; and certaine *Bruniebilles* in the king-
dome of *France* , who so educated their sonnes [as the Queenes of
the house *Medicis* in these latter times] during their minority , that
attaining

attaining to more maturity, their only care was to glut themselves in pleasures and delights: so that the whole management of affaires remain'd in the bands of their Mothers, or of their Ministers, servants, and Officers. Those also are Tyrants without title, who taking advantage of the sloath, weakenesse, and dissolute courses of those Princes which are otherwise lawfully instituted, and seeking to ewrap them in a sleepy dreame of voluptuous idlenesse (as under the *French* Kings, especially those of the *Adovingian* line, some of the *Mayres* of the Palace have beene advanc'd to that dignity for such egregious services) transferring into their owne command all the royll authority, and leaving the King only the bares name. All which Tyrants are certainly of this condision, that if for the manner of their government they are not blameable: Yet for so much as they entered into that jurisdiction by tyrannous intrusion, they may justly be termed Tyrants without title.

Tyrants by practice.

Concerning Tyrants by practice, it is not so easie to describe them as true Kings. For reason ruleth the one, and selfe-will the other: the first prescribes bounds to his affections, the second confines his desires within no limits, what is the proper rights of Kings may be easily declared, but the outragious insolencies of Tyrants cannot without much difficulty be expref'd. And as a right angle is uniforme, and like to it selfe one and the same, so an oblique di-
verifies it selfe into various and sundry species: In like manner is justice and equity simple, and may be deciphered in few words: but injustice and injury are divers, and for their sundry accidents, not so easily defin'd: but that more will be omitted then expref'd. Now althoough there be certaine rules by which these Tyrants may be represented (though not absolutely to the life;) yet notwithstanding there is not any more certaine than by conferring and comparing a Tyrants fraudulent flights with a Kings vertuous actions.

A Tyrant lops off those eaves which grow higher then the rest of the corne, especially where vertue make them most conspicuously eminent, oppresteth by calumnies, and scandalous practises, the principall officers of the State, gives out reportes of intended conspiracies against himself, that he might have some colourable pretexts to cut them off, witness *Tiberius*, *Maximinus*, & others which (as red not their own kinsmen, concubines, and brothers.

The

The King on the contrary doth not openly shew his brotheles to be as it were consorts unto him in the Empire: But also holds in the place of brothers all the principall Officers of the Kingdom, & is not ashamed to confess that of them (iniquity as deputed from the generall Estates) he holds the Crown.

The tyrant advanceth above and in opposition to the ancient and worthy Nobility, mean and unworthy persons; to the end that these base fellowes being absolutely his creatures, might applaud and apply themselves to the fulfilling of all his loose and unruly desires. The King maintaineth every man in his Rank, honours and respects the Grandees as the Kingdoome friends, desiring their good as well as his own.

The tyrant hateth and suspecteth discreet and wise men, and fears no opposition more than vice; as being conscious of his owne vicious courses; and esteeming his owne security to consist principally in a generall corruption of all Estates, by the high multiplicity of Tavernes, Gaming-houses, Maskes, Stage-plays, Brothel-houses, and all other licentious superfluities, that might effeminate and bastardize noble spirits; as Cyrus did, to weaken and subdue the *Sabines*. The King on the contrary distreth from all places honest and ablemen, and encourageth them by pensions and honours; and for seminaries of virtue, erects Schools and Universities in all convenient places, notwithstanding his tyrant as much as in him lies, prohibits or avide all publick Assemblies, sevres Parliaments, Diuines and meetings of the generall Estates, sticke the lighter affectings of the Body, the moreovervously in darknesse; yea, he is jealous of the very gesture, countenance, and discourse of his subiects. The King because he can never rest in any as in the pleasure of Men and Angels, glories in his multitude, and sufficiency of his Colonnels; esteeming nothing welldone which is ordered without his advice; and is desirous from doubting and distaing the publick meeting of the generall Estates, as he honours and respects those Assemblies with much favour and affection.

A tyrant maketh and fowleth factions and dissensions amongst his subiects, sometimes by his selfe, another, that he may the easer vanquish the remainder; adouting himselfe by this division, like those diabolick Surgeons which leghion out their workes. Briefly after the maner of thys abominable *Vizier*, he is not ashamed to say, that the Turk is such a great enemy, especially,

*Machiavil in
principe.*

*Arist. lib. 3.
c. 11. pol. 1.*

especially a subject, yelds a good favour. On the contrary, a good King endeavours alwayes to keep peace amongst his subjects, as a father amongst his children, choakes the seeds of troubles, and quickly heals the scarre; the execution even of justice upon rebels, drawing teares from his compassionate eyes; yet, those whom a good King maintains and defends against a forraign enemy, a tyrant (the enemy of nature), compells them to turn the points of their swords into their own proper intrails. A tyrant filleth his Garrisons with strange Soldiery, builds Citadels against his subjects, dislumes the people, throwes down their forces, makes himselfe formidable with guards of strangers, or men onely fit for pillage and spoyle, gives pensions out of the publick Treasury to spies and calumniating informers, disperseth through all Cities and Provinces. Contrariwise, a King reposeth more his safety in the love of his subjects, than in the strength of his Fortresses against his enemies, taking no care to intall Soldiers, but accounts every subject as a man at arm to guard him, & builds forts to restrain the irruptions of forraign enemies, and not to constrain his subjects to obedience, in whose fidelity he putteth his greatest confidence. Therefore it is that tyrants, although they have such numberlesse guards about them, drive off throngs of people from approaching them; yet cannot all those numbers secure them from doubts, jealousies and distrusts, which continually afflict and terrifie their timorous consciences; yea in the middest of their greatest strength, the tyrantizier of tyrants, fear, maketh prize of their souls, and there triumphs in their affliction.

Bartol. in tract. de tyrannie. A good King in the greatest concourse of people, is freest from doubts or fears, nor troubled with solicitous distrusts in his solitary retirements, all places are equally securte unto him, his own conscience being his best guard. If a tyrant want civill broyles to exercise his cruell disposition in, he makes warres abroad; erects idle and needless trophies to continually employ his tributaries, that they might want leisure to think on other things, as Pharaoh did the Jews, and Poliarius the Samians; therefore he alwayes prepares for, or threatens war, or at least seemes so to doe, and so fill rather drawes mischiefe on, then puts it further off. A King never makes war, but compeld unto it, and for the preservation of the publick; he never desires to purchase advantage by treason, he never entroth into any war that exposeth the Common-wealth to more danger than it affordeth probable hope of commodity.

Agid. Rom. de reg. prin.

Cicer. de Of. sc. lib. 1.

A Tyrant leaveth no designe unattempted by which he may fleece his Subjects of their substance, and turne it to his proper benefit, that being continually troubled in gaining meanes to live, they may have no leasure nor hope how to regaine their liberty: On the contrary, the King knoweth that every good Subjects purse will be ready to supply the Common wealths occasion, and therefore believes he is possessed of no small treasure, whilst through his good governement his Subjects flow in all abundance.

A Tyrant extorts unjustly from many to cast prodigally upon two or three Minions, and those unworthy; hee imposeth on all, and exacteth from all, to furnish their superfluous and riotous expences: he builds his owne, and followers fortunes on the ruines of the publique: he drawes out the peoples blood, by the veines of their means, and gives it presently to carouse to his Court-leeches. But a King cuts off from his ordinary expences, to eas the peoples necessities, neglecteth his private state, and furnisheth with all magnificence the publique occasions; briefly is prodigall of his owne blood, to defend and maintain the people committed to his care.

If a Tyrant as heretofore *Tiberius*, *Nero*, *Commodus* and others, did suffer his Subjects to have some breathing time from unreasonable exactions, and like sponges to gather some moysture, it is but to squeeze them out afterwards to his owne use: on the contrary, if a King doe sometimes open a vaine, and draw some blood, it is for the peoples good, and not to be expended at his own pleasure in any dissolute courses. And therefore as the holy Scripture compares the one to a *Shepheard*, so doth it also resemble the other to a roaring *Lion*, to whom notwithstanding the *Foxe* is oftentimes coupled. For a Tyrant as saies *Cicero*, *is culpable in effect of the greatest injustice that may be imagined*, and yet be carrieth it so cunningly, *that when bee most dexterous, it is then that bee maketh greatest appearance to dealt sincerely*. And therefore doth hee artificially counterfeit Religion and devotion, wherein saith *Aristotle*, *hee expresseth one of the most abolute subtleties that Tyrants can possibly practise: bee doth so compose his polit. c. 11. cicer. de offic. lib. 1.* *conscience to piety, by that meanes to terrifie the people from conspiring against him; who they may well imagine to be especially favoured of God, expressing in all appearance so reverently to serve him*. He fains also to be exceedingly affected to the publique good; not so much for the love of it, as for feare of his owne safety.

Furthermore he desires much to be esteemed just, and loyall in some affaires,

affaires; purposely to deceive and betray more easily in matters of greater consequence; much like thieftieves which maintaine themselves by thefts and robberies; cannot yet long subsist in their trade, without exercising some parcell of justice in their proceedings. Hac also counterfeits the treachery; but it is in pardoning of such malefactors; in punishing whereof he might more truly gaine the reputation of a pietibul Prince.

To speake in a word, that which the true King is, the Tyrant would seeme to be; and knowing that men are wonderfully attracted with, and insommed of vertue; hee endeavours with much subtilty to make his vices appearre yet marked with some shadowe of vertue: but let him counteraffect never so cunningly; till the Fox will be knowne by his tale: and although he lawe and flatter like a Spannell; yet his snarling and gnashing will ever bewray his currish kind.

Furthermore, as a Well-ordered Monarchy partakes of the principall commodities of all other governtments; So on the contrary, where tiranny prevaleth, there all the discommodities of coustume are frequent.

A Monarchy hath in this, conformity with an Aristrocracy, that the most able and discreet are called to consultations. Tiranny and Oligarchy accord in this; that their counsels are composed of the worst and most corrupted. And as in the Councell Royall, there may in a sort seeme many Kings to have interest in the government; so in the other on the contrary, a multitude of Tyrants and of domineers.

The Monarchy borrows of the popular government the assemblies of the Estates, whiche are sent for Deputies the most sufficient of Cities and Provinces, to deliberate of, and determine matters of State; the tiranny takes this of the Ochlocracy; that if it be not able to hinder the Convocation of the Estates; yet will hee endeavour by false subtleties and perfidious practices, that the greatest enemies of Order and Reformation of the State be sent to those Assemblies, the whiche we have knowne practised in our times. In this manner assumes the Tyrant the countenance of a King, and tiranny the semblance of a Kingdome; and the countenance succeeds commonly according to the dexterity wherewith it is managed: yet, as Aristotle lays, we so hardly reade of any tiranny that hath ouer lasted a hundred yeare; briefly the King principally regards the publicke utility, and a Tyrants chiefest care is for his private commodity.

But seeing the condition of men is such, that a King is with much difficulty

Tho. Aquin.
in secund. sec-
cund. q. 12.
art. II.

difficulty to be found, that in all his actions only agreeth at the publick good, and yet cannot long subsist without expression of some speciall care thereof, we still conclude that where the Common wealth advantage is most prefer'd, there it both a lawfull King and Kingdom, and where particular designes and private ends prevail against the publick profit, there question leſſe is a Tyrant and tiranny.

Thus much concerning Tyrants by practice, In the examining whereof wee have not altogether fix'd our discourse on the loose disorders of their wicked and licentious lives¹, which some say is the character of a bad man; but not alwayes of a bad Prince. If therefore the Reader be not ſatisfied with this description, beſides the more exact representations of Tyrants which he ſhall finde in histories; he may in these our dayes behold an absolute modell of many living and breathing Tyrants: whereof *Ariford* in his time did much complain. Now at the laſt we are come as it were by degrees to the chief and principall point of the question: We

² Bartol. in. tract. de tiran. et de regim. civi.

³ To whom it belongs to refiſt & ſuppreſſe Tyrants without title.

have ſene how that Kings have beene chosen by God, either with relation to their Families or their persons only, and after installed by the people: In like manner what is the duty of the King, and of the Officers of the Kindome, how farre the authority, power, and duty both of the one & the other extend, and what and how ſacred are the Covenants and conraſts⁴ which are made at the inauguration of Kings, and what conditions are intermixt, both tacite and expreſſed; finally who is a Tyrant without title, and who by practice, ſeing it is a thing inqueſtionalble that we are bound to obey a lawfull King, which both to God and people carrieth himſelf according to those Covenants whereunto he stands obliged, as it were to God himſelfe, ſeing in a ſort he repreſents his divine Maieſtie. It now follows that we treat, how, and by whom a Tyrant may be lawfully refiſt, and who are the persons that ought to be chiefly ador'd therein, and what course is to be held, that the action may be managed according to right and reaſon: we must ſet ſome ſtandard by which is commonly call'd a Tyrant without title, i.e. ne, ſuppoſe then that ſome *Nobis* having neither received outragē nor offence, invades a people over whom he hath no colour of pretencion, i.e. that *Cosmopolites* to oppreſſe his Countrey⁵, and the *Legislaſt* Common wealth: that *Populare* endeavours by murthers and treaſon to make the ſtrange Kingdom of *Polonia* to become hereditary

⁴ Otto Frising. chron. 1.3. c. 7.

Almoni. lib. 4. hereditary to him and his posterity : or some *Brunswicke* drawes to her selfe and her Protadius the absolute governement of France : or *Ebraimus* taking advantage of *Theodericks* weaknesse and idlenesse, gaineth the intire administration of the State, and oppreseth the people, what shall be our lawfull refuge herein ?

First, The law of nature teacheth, and commandeth us to main-taine and defend our lives and liberties, without which life is scant worth the enjoying, against all injury and violence. Nature hath imprinted this by instinct in Dogs against Wolves, in Bulls against Lions, betwix Pigeons and Spar-hawkes, betwix Pullen and Kites, and yet much more in man against man him-selfe, if man become a beast : and therefore he which questions the lawfulness of defending ones selfe, doth as much as in him lies que-stion the law of nature. To this must be added the law of Nations, which distinguisbeth possessions, and Dominions, fixes limits, and makes out confines, which every man is bound to defend against all invaders. And therefore it is no less lawfull to resist *Alexander* the great, if without any right or being justly provoked, he invades a Countrey with a mighty Navy ; as well as *Diomedes* the Pi-rate which scoures the Seas in a small vessel. For in this case *Alexander* right is no more than *Diomedes* his, but only hee hath more power to doe wrong, and not so easily to be compeld to reason as the other. Briefely, one may as well oppose *Alexander* in pillaging a Country, as a Theef in purloining a cloake, as well him when he seekes to batter downe the walls of a Citie, as a robber that offers to break into a private house. There is besides this, the civill law, or municipal law of severall Countreyes which governs the societie of men, by certainte rules, some in one manner, some in another; some submit themselves to the government of one man, some to more ; others are ruled by a whole Communallity, some absolutely exclude women from the Royall Throne, others admit them, these here chuse their King descended of such a family, those there make election of whom they please, besides other customes practised amongst severall Nations. If therefore any offer either by fraud or force to violate this law, wee are all bound to resist him, because he wrongs that society to which wee owe all that we have, and would runne our Countrey, to the preserystion whereof, all men by nature, by law and by solemne oath are strictly obliged : insomuch that feare or negligence, or bad purposes, make us omit this

this dutie, wee may justly be accounted breakers of the Lawes, betrayers of our Countrey and contumy of Religion. Now as the Law of Nature, of Nations, and the civill commandeth to take Armes against such Tyrants: so is there not any manner of reasoun that shoulde perwade us to the contrarye? whether in the armes, covenants, or obligationes publicke or private, wherewer bounde to a straunge: & therefore the meanest private mannes selfe and lawfullie oppose such an Inceding tyrant. The Law *hath* which condemnetteth to death those that vse rebellion against their Countrey or Prince, hath here no place: for he is no Prince which without any lawfull title invallideth the Common-wealth or Conqueror of an other: nobis a rebell which by armes defendeth his Countrey: but rather to this had relation the Oath which all the youth of Athenes were accustomed to take in the Temple of *Aglara*: I will fight for Religion, for the Lawes, for the Altars, and for our possessions, either alone or with others, and will doe the utmost of my endeavour, to leave to posteritie our Countrey, at the least as good estate as I found it. To as little purpose can the Lawes made against seditious persons be alledged here; for he is sedicidus which undertakes to defend the people, in opposition of order and publick Discipline: But he is no raiers, but a suppreffor of sedition, which restrayneth within the limits of reason, the subvertor of his Countreys welfare, and publicke Discipline.

On the contrary to this, hath proper relation the Law of *Tyrannicid*, which honours the living with great and memorabile recompences, and the dead with worthy Epitaphes, and glorious Statues, that have been their Countreys Liberators from Tyrants; as *Herodotus* and *Aristogiton* at *Athens*, *Bruus* and *Cossus* in *Greece*, and *Antonius* of *Syria*. To these by a publike Decree were erected Statues, because they delivered their Countries from the tyrannies of *Pisistratus*, of *Cesar*, and of *Nicocles*. The which was of such respect amongst the Ancients, that *Zerxes* having made himself Master of the City of *Aibus*, & caused to be transported into Persia the Statues of *Herodotus* and *Aristogiton*: afterwards *Selucus* caused them to be returned into their former place: and as in their passage they came by *Boades*, those famous Citizens entertained them with publick and stupendious solemnities, and during their abode there, they placed them in the choicest sacreficies of their gods. But the Law made against forslakers, and traytors, takes

L. 14. P. ad.
leg. Jul. Mac-
iustis.

Bartol. in tract.
de Guelph. &
Gibellin.

Plin. lib. 4.
Alexand. ab
Alex. lib. 6.
cap. 4.

Ziphium. in
vita August.

Plutarch. in
Arato.

Vader. Maxim.
lib. 2, c. ultim.

takes absolutely hold on them which are negligent and careless to deliver them. Commonly possessed with an amio, and con-
demnes them in the time of judgment, as it of course by should-
er which, when he shoulde fight with them, with terrible fury,
and of their Armes and of their swords, lances and chariots both in
generall and particular, as such as could not be shamed to use
this. But if a publick law or order be made by the Towne and
villes, to the intent that no personnes except that the Captainne of
the Watch or of the Ward shall be the Salvauour of the Towne
be come into the Street, but let every mane clear, stand and clin
to the house, or to the door, or to the wall, than the first that
comes. For if whilst the Captainne with such like aduantage
feare to loose and forspole the City, the Soldiers be ad rowne
with their former paynes, the Watcher be in despite, the dogges
fayle to bark, then must the geese play the Sentinels, and with
their gazing saye give an alarum. And she Soldier in a Watch
shall be degradoed. And so to deale, the geese for her penitent
remembrance of this deliveringe, shall be always faire the Capital
toll, and much esteemed. And another word of things about towns.

This of which wee have spoken, is to be understood of a ty-
ranny, not yet firmly seated, so longe, whilst a chiefe conseruo
machinate, and layes his plots and practices. But if he be once so
possessed of the State, and that the people being subdued, pre-
sume and swere obediency, the Common-wealth being oppresed,
refigne their authoritie into his hands, and than chieflingdom in
some formall manner, content to the changing of their Lawes,
for so much as he either hath gained a title which before
he wanted, and somes make as well as legall, as a chiefe possessor
thereof, although this were laid on the peoples necke by
compulsion, yet woulde they quietly and peaceably receive the will
of the Almighty, who at his pleasure移置從一個國度到另一個國度, whose jurisdiction might soe be dispensed with, it may well shalld
that he which before was a synthe with no title, having obtained
the title of a King, may set himselfe above any chiefe no
putation by governing those under him with a gentle and moder-
ation. Therefore when as the people of Edom, and the chieftaine
of King Azarias did humbly beseeche the iurisdiction of Simeon, against
the Asyrian. So on the contrary side, when all the people of

2 Kings 24.
and 25.
Ierem. 37.

to good all present dayes, and to all ages to come, and
to be worshiped, because that without any just occasion
after they had done this wronge and sinnes, failing to make amende
for their dischrebelion against him: for after promise of per-
formance: it is too late to impente, and as in all les every one ought
to give testimony of his halowry, but being a lialien prifonery, must
faithfully observe. Government by selfe is thought that the people
maintaine their right by all possible meane: but if it is chance that
they be broughte into the subjection of another, then they shal
then patiently suppose the domination of the Victor: So did Pompey
Caesar, and others, and others performe the parts of god Patrons
then when they tooke the cities of Africa, Sicilia, Sicilia, fighting to alter the
government of the same, and that did those, be justly excused
with that feare hindred the helpe of Pompey and his part-
akers noble designe. And so it is to be said to have approved
the rule of Caesar, affirming that Dei carried him selfe wor-
shiped exceedingly in the greatestnesse of the Countrye in
every heire oppressing, and in that whiche his conquerour sought
his bosome in the Government of that State, seeing all innova-
tions of that nature as heretofore of muche doubt and confu-
sion.

Furthermore, no man can justly reprehend Sir Harry Casy, and
the rest, who killed Caesar, before his eyes, with authorite he had
taken any summes that he wrore then: because of bridle or
restraine of chayre, publicklye, as at the field, placed by
those of Hammar and his agents, then when after the dispatch-
ing of Caesar, they retured from Rome, to avoyde that: Antonio
and Augustus shal not revenge him: Caesar was certainlye guiltye of for-
dition, who did a regall transferring of the peoples power into
the hands of Augustus, it shal not compise against him. Likewise
when the Popes thought to take the Crowne of France from the
Wurkingians, as also when chayre of the line of Cap: endeavoured
to supplant the Popes, they might lawfully resist them
without incurring the crime of rebellion: but when by publick
domine and the authorite of the Empire, this kingdome was trans-
ferred from one familie to another, it was then unlawfull to op-
pose it. The same may be said if a Woman possesse her selfe of the
Kingdome, which the Lawe shal not allowe, by prohibicione; or if one
should desire to take Kingdome away by force, he shal turne to his off-
spring, while those Lawes stand in force, and are unrepealed by
the

the authoritie of the generall Estates, which represent the body of the people. Neither is it necessary, in this respect to have regard whether sedition is the greater, more powerful or more injurious. Alwayes those are the greater number who are led by passion, than those that are ruled by reason; and therefore tyranny hath more servants than the Common-wealth. But *Rome* is there according to the saying of *Empere*, where the Senate is, and the Senate is where there is obedience to the Lawes, love of libertie, and studious carefullnesse for the Commonwealths preservation. And therefore though *Brennus* may seeme to be master of *Rome*: yet notwithstanding is *Rome* as free with *Cincinnatus*, who prepares to deliver *Rome* from bondage. It behoves therefore all true *Romans* to repair to *Cincinnatus*, and assist his Enterprize while the utmost of their power and valour is. Although *Tiberius* *Claudius*, and all his able and worthiest companions leave *Atrebates*, and put to Sea with a navie of two hundred Gallies, notwithstanding it cannot be said that any of these men are banished *Atrebates*. But rather as *Tiberius* *Claudius*, and *Varus* These two hundred Gallies are no powerfuller or no than the greatest Citye of all *Greece*: for that they are arm'd and prepared for the defence of those which endeavour to maintaine and uphold the publick State.

But to come to other examples: it follows not that the Church of God must needs be alwayes in that place where the Ark of the Covenant is: for the *Philistines* may carry the Ark into the Temples of their Idols. It is no good argument, that because we see the *Roman* *Emperors* waving in Ensignes, and hear their Legions named, that therefore pretyewise conclude that the Armie of the *Romane* Common-wealth is then present: for there is onely and properly the power of the State where they are assembled to maintaine the libertie of the Countrye against the raynbowe oppression of Tyrants, to infanchise the people from servitude, and to supprese the impudency of insulting flatterers, who abuse the Princes weakeesse by oppressing his Subjects for the advantaging of their own fortunes, and concaine ambitious minds from enlarging their desires beyond the limits of equitie and moderation. If but much concerning Tyrants without title.

But for Tyrants by practise, whether they at first gained their authoritie by the sword, or were legally invested therewith by a generall consent. It behooves us to examine this point with much

*Plutarch. in
vita Tiberii.*

What may
lawfully be
done against
Tyrants by
practise.

wary circumspection. In the first place we must remember, that all Princes are born men, and therefore reason and passion are as hardy to be separated in them, as the soule is from the body whilst the man liveth: We must not then expect Princes absolute in perfection, but rather repute our selves happy if those that govern us be indifferently good. And therefore although the prince observe not exact mediocrity in State-affaires, if sometimes passion over-rule his reason, if some careless omission make him neglect the publick utility, or if he doe not alwayes carefully execute justice with equality, or repulse not with ready valour an invading enemy; he must not therefore be presently declared a tyrant. And certainly, seeing he rules not as a God over men, nor as men over beasts, but is a man composed of the same matter, and of the same nature with the rest: as we would questionlesse judge that prince unreasonably insolent, that should insult over and abuse his subjects, as if they were bruit beasts; so those people are doubtlesse as much void of reason, which imagine a prince should be compleat in perfection, or expect divine abilities in a nature so frail and subject to imperfections. But if a prince purposely ruine the Common-weale, if he presumptuously pervert and resist legall proceedings, or lawfull rights, if he make no reckoning of faith, covenants, justice nor piety, if he prosecute his subjects as enemies; briefly, if he practise all or the chiefe of those wicked practices we have formerly spoken of; then we may certainly declare him a tyrant, which is as much as an enemy both to God and men. We doe not therefore speak of a prince lesse good, but of one absolute bad; not of one lesse wise, but of one malicious and treacherous; not of one lesse able judiciously to discisse legall differences, but of one perverstly bent to pervert justice and equity; not of an unwarlick, but of one furiously disposed to ruine the people, and ransack the State. For the wisdome of a Senate, the integrity of a Judge, the valour of a Captain, may peradventure enable a weak prince to govern well: But a tyrant could be content that all the Nobility, the Councillors of State, and Commanders for the warres, had but one head, that he might take it off at one blow: those being the proper objects of his distrust and feare, and by consequence the principall subjects on whom he desires to execute his malice and cruelty. A foolish prince, although (to speak according to right

and equity) he ought to be deposed; yet may he perhaps in some sort be born withal: But a tyrant the more he is tollerated, the more he becomes intollerable.

Furthermore, as the Princes pleasure is not always law, to many times it is not expedient that the people doe all that which may lawfully be done: for it may often-times chance, that the medicine proves more dangerous than the disease. Therefore it becomes wise men to try all wayes before they come to blowes, to use all other remedies before they suffer the sword to decide the controversie. If then those which represent the body of the people, foresee any innovation or machination against the State, or that it be already imbarke into a course of perdition, their duty is, first to admonish the Prince, and not to attend, that the disease by accession of time, and accidents, becomes unrecoverable. For tyranny may be properly resembled unto a Fever Heick, the which at the first is easie to be cured, but with much difficulty to be known; but after it is sufficiently known, it becomes incurable. Therefore small beginnings are to be carefully observed, and by those whom it concernes diligently prevented.

If the Prince therefore persist in his violent courses, and conteme frequent admonitions, addressing his desigues onely to that end, that he may oppresse at his pleasure, and effect his own desires without feare or restraint, he then doubtlesse makes himselfe liable to that detested crime of *Tyranny*: and whatsover either the law, or lawfull authority permits against a tyrant, may be lawfully practised against him. *Tyranny* is not onely a will, but the chiefe, and as it were the complement and abstract of vices. A Tyrant subverts the State, pillages the people, layes stratagems to intrap their lives, breaks promise with all, scoffes at the sacred obligation of a solemne oath, and therefore is he so much more vile than the vilest of usuall malefactors, by how much offences committed against a generality, are worthy of greater punishment than those which concern onely particular and private persons. If Theeves and thole that commit sacrilege, be declared infamous; nay, if they justly suffer corporall punishment by death, can we invent any that may be worthily equivalent for so outragious a crime?

Furthermore, we have already proved, that all Kings receive their

their Royall authority from the people, that thewhile people considered in one body, is above and greater than the King: and that the King and Emperour are onely the priuie and supreme governors and ministers of the Kingdome and Empire; but the people the absolute Lord and owner raigner. It, thereforee necessarily followes, that a tyrant is in the same maner guilty of rebellion against the Majestie of the people, as the Lord of a fee which filiously transgresst the condicions of his investitures, & is liable to the same punishment, yea and certainly deserves much more greater than the equity of those lawes inflicte on the delinquents. Therefore as *Barelus fayes*, He may either be deposed by those which are; Lords in Soveraignty over him, or else justly tyran. & in punished according to the Law *Julia*, which condemnes those which offer violence to the publick. The body of the people must needs be the Soveraigne of those which represent it, which in some places are the Electors, Palatines, Peeres; in other, the Assembly of the generall Estates. And if the tyranny have gotten such sure footing, as there is no other meanes but force to remove him; then is it lawful for them to call the people to Arms, to icoll and raise forces, and to employ the utmost of their power, and use against him all advantages and stratagems of warre, as against the enemy of the Common-wealth, and the disturber of the publick peace. Briefly, the same sentence may be justly pronounced against him, as was against *Manilius Capitolinus at Rome*. Valerius lib. *Thou wast to me Manilius, when thou didst tumble down the Gantles* 6.c.3. that sealed the Capitole: *But since thou art now become an enemy, like one of them, thou shalt be precipitated down from the same place from whence thou formerly tumbledst those enemies.*

The Officers of the Kingdome cannot for this be rightly taxed of sedition: for in a sedition there must necessarily concurre but two parts, or sides, the which peremptorily coniect together, so that it is necessary that the one be in the right, and the other in the wrong: That part undoubtedly hath the right on their side, which defends the Lawes, and strives to advance the pubick profit of the Kingdome. And those on the contrary are questionlesse in the wrong, which breake the Lawes, and protect those that violate justice, and oppresse the Common-wealth. Those are certainly in the right way, as saith *Bartolus*, which endeavour to suppose tyrannicall government, and those in the wrong which op-

Bart. in tract.
de Guelph. &
Gibell. arg. 1.
3. Sect. cum.
igitur D. de
vi & viar.

pose lawfull authority. And that must ever be accounted just, which is intended only for the publique benefit, and that unjust, which aims chiefly at private commodity. Wherfore *Thomas Aquinas* saith, *That a tyrannical rule having no proper address for the publique welfare, but only to satisfie a private will, with increase of particular profit to the author, cannot in any reasonable constitution be accounted lawfull, and therefore the disturbance of such a government cannot be esteemed sedition, much less traitors; for that offence hath*

T. 1. D. ad leg. Iul. in iust.

Cic. parad. 4. proper relation only to a lawfull Prince, who indeed is an inanimate or speaking law; therefore seeing that he which employes the utmost of his meanes and power to annihilate the lawes, and quell their vertue and vigour, can no wayes be justly intituled therewith: So neither likewise can those which oppose and take armes against him, be branded with so notorious a crime. Also this offence is committed against the Common-wealth: but for so much as the Common-wealth is there only where the lawes are in force, and not where a Tyrant devoures the State at his owne pleasure and liking, he certainly is quit of that crime which ruines the Majestie of the publique State, and those questionlesse are worthily protectors and preservers of the Common-wealth, who confident in the lawfulness of their authority, and summoned thereunto by their duty, do couragiously resist the unjust proceedings of the Tyrant.

And in this their action wee must not esteeme them as private men and Subjects, but as the representative body of the people, yea and as the Sovereignty it selfe, which demands of his Minister an account of his administration. Neither can we in any good reason account the Officers of the Kingdome disloyall, who in this manner acquit themselves of their charge.

There is ever, and in all places, a mutuall and reciprocall obligation betweene the people and the Prince, the one promiseth to be a good and wise Prince, the other to obey faithfully, provided he govern justly. The people therefore is obliged to the Prince under condition: the Prince to the people simply and purely. Therefore if the Prince faile in his promise, the people is exempt from obedience, the contract is made void, the right of obligation of no force. Then the King if he governe unjustly is perjur'd, and the people likewise forsworne if they obey not his lawfull commands: but that people is truly acquit from all perfidiousnesse, which

which publiquely renounce the unjust dominion of a Tyrant, or
be striving unjustly by strong hand to continue the possession, doe
constantly endeavour to expulse him by force of arms.

It is therefore permitted the Officers of a Kingdome, either all, or some good number of them to suppress a Tyrant; And it is not only lawfull for them to doe it, but their duty expressly requires it: and if they doe it not, they can by no excuse colour their basenesse. For the Electors Palatines, Peers and other Officers of State must not thinke they were established only to make pompeous paradoes and shewes, when they are at the Coronation of the King, habited in their robes of State, as if there were some Masque or Interlude to be represented, or as if they were that day to act the parts of *Roland Oliver*, or *Rensolds* and such other personages on a Stage, or to counterfeit and revive the memory of the Knights of the round Table: and after the dismissing of that dayes assembly, to suppose they have sufficiently acquit themselves of their duty, untill a recess of the like solemnity. Those solemn Rites and Ceremonies were not instituted for vaine ostentation, nor to passe as in a dumne show to please the spectators, nor in childrens sports as it is with *Horace*, to create a King in jest, but those Grandees must know, that as well for office and duty as for honour, they are called to the performances of those Rites, and that in them the Common-wealth is committed and recommended to the King, as to her supreame and principall tutor, and protector, and to them as Coadjutors and assistants to him. And therefore as the Tutors or Guardians (yea even those that are appointed by way of honour) are chosen to have care of, & observe the actions and importments of him which holds the principall ranke in the tutor-ship, and to looke how he carrieth himselfe in the administration of the goods of his pupill: so likewise are the former ordained to have an eye to the courtes of the King, for with an equivoalent authority as the others for the pupill, so are they to hinder and prevent the dammage and detriment of the people, the King being properly reputed as the prime Guardian, and they his Coadjutors.

In like manner as the faults of the principall tutor who manages the affaires, are justly imputed to the coadjynts in the tutor-ship, if when they ought and might, they did not discover his errors, and cause him to be deposed, especially failing in the main

L. 106. D. de
reg. jur.

Vlp. L. 3. D. de
adm. et peric.
tut. et curat.

L. 27. D. cod.

L. 14. D. de ad-
ministr. et peric.
tut. l. 3. D. de
suspec. tut. et
cur.

points of his charge, to wit, in not communicating unto them the affaires of his administration, in dealing unfaithfully in his places, in doing any thing to the dishonor or detriment of his pupill, in imbevilling of his goods or estate, or if hee be an enemy to his pupill, briefly, if either in regard of the worthinesse of his person, or weaknesse of his judgment, he be unable well to discharge so weighty a charge. So also are the Peeres and principall Officers of the Kingdome accountable for the government thereof, and must both prevent, and if occasion require, suppress the tyranny of the Prince, as also supply with their care and diligence his inability and weaknesse.

Finally, If a Tutor omitting or neglecting to doe all that for his pupill, which a discreet Father of a family would and might conveniently performe, cannot well be excused, and the better acquitting him selfe of his charge, hath others as concealers and associates, joyned with him to oversee his actions: with much more reason may and ought the Officers of the Crown restraine the violent irruptions of that Prince, who instead of a father, becomes an enemy to his people; seeing to speake properly, they are as well accountable for his actions wherein the publique hath interest, as for their owne.

1. 10. et 33.
D. de adm. et
peric. tutor et
cur.

Those officers must also remember, that the King holds truly the first place in the administration of the State, but they the second; and so following according to their ranks; not that they should follow his courses, if he transgresse the lawes of equity and justice, not that if he oppresse the Common-wealth, they should connive to his wickednesse. For the Common-wealth was as well committed to their care as to his, so that it is not sufficient for them to discharge their owne duty in particular, but it behoves them also to containe the Prince within the limits of reason. Briefly they have both joynly and severally promised with solemn oaths, to advance and procure the profit of the Common-wealth: although then that he forswear himselfe, yet may not they imagine that they are quit of their promise, no more then the Bishops, and Patriarks if they suffer an heretica Pope to ruine the Church: yea they shoule esteeme themselves so much the more obliged to the observing of their oath: by how much they finde him wilfully dispos'd to rush on in his perfidious courses. But if there be collusion betwixt him and them, they are prevaricators, if they dissemble they

they may justly be called forsakers, and traytors : If they deliver not the Common-wealth from tiranny, they may be truly ranckt in the number of Tyrants : as on the contrary they are protectors, tutors, and in a sort Kings, if they keepe and maintain the State safe and intire, which is also recommended to their care and custody.

Although these things are sufficiently certain of themselves, yet may they be in some sort confirmed by examples. The Kings of *Canaan* which pressed the people of *Israel* with a hard, both corporall and spirituall servitude (prohibiting them all meetings and use of arms) were certainly Tyrants by practice, although they had some pretext of iude. For *Eglon* & *Jabin* had peaceably reigned almost the space of twenty years, God stirred up extraordinarily *Ehud*, which by a politique stratagem killed *Eglon*, and *Debora* which overthrew the Armie of *Jabin*, and by this service delivered the people from the servitude of Tirants, not that it was unlawfull for the ordinary Magistrates, the Princes of the Tribes, and such other Officers to have performed it, for *Debora* doth reprove the fluggishidenesse of some, and flatly detests the disloyalty of others for that they failed to performe their duty herein. But it pleased God, taking commiseration of the distresse of his people, in this manner to supply the defects of the ordinary Magistrates.

1 Judg. 4. & 3.

Reboam the sonne of *Solomon* refuled to disburthen the people of some unnecessary imposts and burthens : and being petitioned &c. by the people in the generall Assembly of the States, he grew *insolent*, and relying on the counsell of his *Minions*, arrogantly threatens to lay heavier burthens on them hereafter. No man can doubt, but that according to the tenour of the contract first passed betweene the King and the people, the prime and principall Officers of the Kingdome had authority to reppresse such insolence. They were only blameable in this, that they did that by faction and division, which should more properly have beene done in the generall Assembly of the States : in like manner in that they transferred the Scepter from *Juda* (which was by God onely confin'd to that Tribe) into another linage : and also (as it chances in other affaires) for that they did ill and disorderly manage a just and lawfull cause. Prophane histories are full of such examples in other Kingdomes.

Brutus

Titus Livi.
lib. 1.

Brutus Generall of the Souldiers, and *Lucretius* Governoour of the Cittie of *Rome*, assemble the people against *Tarquinius Superbus*, and by their authority thrust him from the royall Throne: Nay, which is more, his goods are confiscated: whereby it appeares that if *Tarquinius* had beeene apprehended, undoubtely hee shold have beeene according to the publique lawes corporally punished.

The true caules why *Tarquinius* was deposed, were because he altered the custome whereby the King was obliged to advise with the Senaee on all weighty affaires, that he made Warre and Peace according to his owne fancies, that he treated confederacies without demanding counsell or consent from the people or Senate: that he violated the Lawes whereof he was made Guardian: briefly that he made no reckoning to observe the contracts agreed between the former Kings, and the Nobility and people of *Rome*. For the *Roman* Emperours, I am sure you remember the sentence pronounced by the Senate against *Nero*, wherein he was judged enemie to the Common-wealth, and his body condemned to be ignominiously cast on the dung-hill: and that other pronounced against *Vitellius*, which adjudge him to be shamefully dis-membred, and in that miserable estate trayled through the Cittie, and at last put to death: another against *Maximinus* who was dispoild of the Empire, and *Maximus* and *Albinus* established in his place by the Senate. There might also be added many others drawne from unquestionable Historians.

The Emperour *Trajan* held not himselfe exempt from lawes, neither desired he to be spared if he became a Tyrant: for in delivering the Sword unto the great Provost of the Empire, he sayes unto him; *If I command as I shoule, use this sword for mee: but if I doe otherwise, unsheathe it against me.* In like manner the French by the authority of the States, and solicited thereunto by the Officers, of the Kingdome, deposed *Childeric* the first, *Sigisbert*, *Theodoricke*, and *Childericke* the third, for their tyrannies, and chose others of another Family to sit on the Royall Throne. Yea they deposed some because of their idlenesse and want of judgment, who exposed the State in prey to Panders, Curtelans, Flatterers, and such other unworthy mushrooms of the Court, who governed all things at their pleasure: taking from such rash *Phatons* the bridle of government, left the whole body of the State and people

people should be consumed through their unadvised folly.

Amongst others, *Theodore* was degraded because of *Ebroin* *Dagobert* for *Placidus* and *Thibaud* his Pander, with some others: the Estates esteeming the command of an effeminate Prince as insupportable as that of a woman, and as unwillingly supporting the yoke of tyrannous Ministers managing affaires in the name of a loose and unworthy Prince, as the burden of a tyrant alone. To be briefe, no more suffering themselves to be governed by one possessed by a Devill, than they would by the Devill himselfe. It is not very long since the Estates compeld *Lewis* the eleventh (a Prince as subtile, and it may be as wilfull as any) to receive thirtie six Overseers, by whose advise he was bound to governe the affaires of State. The descendants from *Charlemaine* substituted in the place of the *Merovingiens* for the government of the kingdome, or those of *Capet*, supplanting the *Charlemains* by order of the Estates, and raigning at this day have no other nor better right to the Crowne, than what wee have formerly described; and it hath ever been according to Law permitted the whole body of the people represented by the counsell of the Kingdome, which are commonly called the Assembly of the States, to depose and establish Princes, according to the necessities of the Common-wealth. According to the same rule wee reade that *Adolph* was removed from the Empire of *Germany* Anno 1296. because for covetousnesse without any just occasion, he invaded the Kingdome of *France*, in favour of the *English*, and *Wenceslaus* was also deposed in the yeare of our Lord 1400. Yet were not these Princes exceeding bad ones, but of the number of those which are accounted lesse ill. *Elizabeth* the wife of *Edward* the second King of *England*, assembled the Parliament against her husband, who was there deposed, both because he tyrannized in generall over his Subjects, as also for that he cut off the heads of many noble men, without any just or legall proceeding. It is not long since *Christiern* lost the Crowne of *Denmarke*, *Henry* that of *Sweden*, *Mary Steward* that of *Scotland*, for the same, or neere resembling occasions: and the most worthy Histories relate divers alterations and changes which have hapned in like manner, in the Kingdomes of *Polonia*, *Hungarie*, *Spaine*, *Portugal*, *Bohemia*, and others.

But what shall we say of the Pope himselfe? It is generally held that the Cardinals because they doe elect him, or if they fayle in

R

*Ant: de Bus.
consil quod po-
situm est inter
their*

Anno 1296.

1400.

*Froisard. li. 1.
cap. 1.*

*Reade the
manner of
the depoing
of Richard
the second.*

confil. Paul.
de Castro, vel
antiq. nu. 4.^{12.}
incip. vñ
puncto.

Mar. Laudens.
in tract. de
Card. in 2. q.
35. Philip.
Decius in quo-
dam confusio
enjus verba
fuerunt.

Andr. Barb.
in d. confil. 1.
lib. 1. cap. 6.
Bald. in c. olim
sol. penul. de
rescri. in De-
cretal.
Bonif. 8. de
major. &
obed.

Simile.

Plato lib. 8.
9. de repub.

their dutie, the Patriarkes which are next in ranke to them, may upon certaine occasions maugre the Pope, call a Councell, yea, and in it judge him: As when by some notorious offence he scandalizeth the universall Church: if he be incorrigible, if reformation be as necessary in the head as the members, if contrary to his oath he refuse to call a generall Councell. And we reade for certaine that divers Popes have been deposed by generall Councells. But if they obstinately abuse their authoritie, there must (saith Baldw) first be used verball admonitions; secondly, herball medicaments or remedies; thirdly, stones or compulsion; for where vertue and faire meanes, have not power to perswade, there force and terror must be put in ure to compell. Now if according to the opinions of most of the learned, by deccrees of Councells, and by custome in like occasions, it plainly appears that the Councell may depose the Pope, who notwithstanding vaunts himselfe to be the King of Kings, and as much in dignitie above the Emperour, as the Sunne is above the Moone, assuming to himselfe power to depose Kings and Emperours when he pleaseth. Who will make any doubt or question, that the generall Assembly of the Estates of any kingdome, who are the representative body thereof, may not onely degrade and dischonore a tyrant: but also even disauthorize and depose a King, whose weaknesse or folly is hurtfull or pernicious to the State.

But let us suppose that in this our Ship of State, the Pilot is drunke, the most of his associates are asleepe, or after large and unreasonable tipling together, they regard their imminent danger in approaching a rocke with idle and negligent jollitie; the Ship in the meane season in stead of following her right course, that might serve for the best advantage of the owners profit, is ready rather to split her selfe. What should then a Masters-mate or some other under-Officer doe, who is vigilant and carefull to performe his dutie? Shall it be thought sufficient for him to pinch or poule them which are asleepe? without daring in the meane time to put his helping hand to preserve the Vessell, which runnes on a course to destruction, least he should be thought to intermeddle with that which he hath no authoritie nor warrant to doe? What mad discretion, nay rather notorious impietie were this? Seeing then that Tyranny, as Plato saith, is a drunken freash or frantick drunkennesse, if the Prince endeavour to ruine the Common-wealth, and the

the principall Officers concurre with him in his bad purposes, or at the least are hold in a dull and drowsie stremme of securitie, and the people (being indeed the true and absolute owner and Lord of the State) be through the pernicious negligence and fraudulent connivency of those Officers brought to the very brim of danger and destruction, and that there be notwithstanding amongst those unworthy Ministers of State, some one that doth studiously observe the deceitfull and dangerous encroachments of tycanny, and from his soule detests it. What opposition doe wee suppose best befits such a one to make against it? Shall he consent himselfe to admonish his associates of their dutie, who to their utmost abilitie endeavour the contrary? Besides, that such an advertisement is commonly accompanied with too much danger, and the condition of the times considered, the very folliciting of reformation will be held as a capitall crime: so that in so doing he may be not unfitly resembled to one that being in the middest of a desert, environed with theevs, shoule neglect all meanes of defence, and after he had cast away his Armes, in an eloquent and learned discourse command justice, and extoll the worth and dignitie of the Lawes. This would be truly according to the Proverbe, *To run mad with reason.* What then? Shall he be dull and deafe to the groanes and cries of the people? Shall he stand still and be silent when he sees the theevs enter? Shall he onely hold his hands in his bosome, and with a desure countenance, idly bewaile the miserable condition of the times? If the Lawes worthily condemne a Souldier, which for feare of the enemies counterfeits sicknesse, because in so doing he expresteth both disloyaltie and treachery. What punishment can we invent sufficient for him, who either maliciously or basely betrayes those whose protection and defence he hath absolutely undertaken and sworne? Nay rather then let such a one cheerefully call one, and command the Mariners to the performance of their dutie: let him carefully and constantly take order that the Common-wealthe be not indamaged, and if need so require, even in despite of the King, preserve the Kingdome, without which the kingly title were idle and frivilous, and if by no other meanes it can be effected, let him take the King and binde him hand and foote, that so he may be more conveniently cured of his frensie and madnesse. For as wee have already said, all the administration of the Kingdome, is not by the people absolutely resigned into the

Simile.

L. 3. & 1.
Omne deli-
ctum. §. ult.
D. de re mi-

*C. Nullus in
Carthagin.
Concil. Dollo-
res pontifici.*

hands of the King ; as neither the Bishopricke, nor care of the universall Church, is totally committed to the Pope: but also to the care and custody of all the principall Officers of the Kingdome. Now for the preserving of peace and concord amongst those which governe, and for the preventing of jealousies, factions, and distrusts amongst men of equall ranke and dignitie, the King was created as prime and principall Superintendent in the government of the Common-wealth. The King sweares that his most speciall care shall be for the welfare of the Kingdome ; and the Officers of the Crowne take all the same oath. If then the King, or divers of them falsifying their faith, ruine the Common-wealth, or abandon her in her greatest necessitie, must the rest also fashion themselves to their base courtes, and quit all care of the States safetie ; as if the bad example of their companions, absolyed them from their oath of fidelitie ? Nay, rather on the contrary, in seeing them neglect their promise, they shall beft advantage the Common-wealth in carefully observing theirs : chiefly because for this reason they were instituted, as in the steads of *Ephori*, or publick Controllers, and for that every thing gaines the better estimation of just and right in that it is mainly and principally addressed to that end for which it was first ordained.

Furthermore, if divers have joynly vowed one and the same thing, is the obligation of the one annihilated by the perjurie of the other ? If many become bound for one and the same summe, can the banquerouting of one of the obligees quit the rest of their ingagement ? If divers tutors administre ill the goods of their pupill, and that there be one amongst them that makes conscience of his actions, can the bad dealing of his companions acquit him ? Nay rather on the contrary, he cannot free himselfe from the infamie of perjurie, if to the utmost of his power he doe not truly discharge his trust, and perform his promise: neither can the others defalliancy be excused, in the bad managing of the tutorship, if they likewise accuse not the rest that were joyned with them in the administration, for it is not onely the principall tutor that may call to an account those which are suspected to have unjustly or indiscreetly ordered the affaires of their pupill, but even those which were formerly removed, may also upon just occasion discharge and remove the delinquents therein. Therefore those which are obliged to serve a whole Empire or Kingdome, as the Constable,

*L. 3. D. de
administ. &
peric. tutor.
& cur. lib. 3.
D. de suspect.
tut. & cura.*

Confitable, Marshals, Peeres, and others, or those which have particular obligations to some Provinces, or Cities, which make a part or portion of the Kingdome, as Dukes, Marquisses, Earles, Sherifffes, Mayors, and the rest, are bound by the dutie of their place, to succour the Common-wealth, and to free it from the burden of Tyrants, according to the ranke and place which they hold of the people next after the King. The first ought to deliver the whole Kingdome from tyrannous oppression: the other as turtors, that part of the Kingdome whose protection they have undertaken: the dutie of the former is to suppress the Tyrant: that of the latter, to drive him from their confines. Wherefore *Mattathias* being a principall man in the State, when some basely connived, others perniciously consorted with *Antiochus* the tyrannous oppresor of the Jewish Kingdome, he couragiously opposing the manifest oppression, both of Church and State, encourageth the people to the taking of Armes, with these words; *Let us restore the decayed estate of our people, and let us fight for our people, and for the Sanctuarie.* Whereby it plainly appeares, that not for Religion onely; but even for our Countrey, and our possessions, wee may fight, and take armes against a tyrant, as this *Antiochus* was. For the *Machabites* are not by any questioned, or reprehended for conquering the Kingdome, and expelling the tyrant, but in that they attributed to themselves the royll dignitie, which onely belonged by Gods speciall appointment to the tribe of *Juda*.

Humane Histories are frequently storred with examples of this kinde. *Arbætus* Governor of the *Medes* killed effeminate *Sardanapalus*, spinning amongst women, and sportingly distributing all the treasures of the Kingdome amongst those his loose companions. *Vindex* and *Galba* quit the partie of *Nero*, yea though the Senate connived, and in a sort supported his tyrrannie, and drew with them *Gallia*, and *Spaine*, being the Provinces whereof they were Governours.

But amongst all, the Decree of the Senate of *Sparta* is most notable, and ought to passe as an undeniable Maxime amongst all Nations. The *Spartans* being Lords of the City *Bizantium*, sent *Olearchus* thither for Governor and Commander for the warres; who took Corn from the Citizens, and distributed it to his Soldiers. In the mean time the families of the Citizens died for hun-

¹ Machab. 3.
43.

Justin. lib. 1.
Diodor. lib. 2.
cap. 37.

ger: *Anaxilus*, a principall man of the City, disdaining that tyrannous usage, entred into treaty with *Alcibiades* to deliver up the Town, who shortly after was received into it. *Anaxilus* being accused at *Sparta* for the delivery of *Bizantium*, pleaded his cause himself, and was there acquit by the Judges: for (said they) warres are to be made with enemies, and not with Nature. Nothing being more repugnant to Nature, than that those which are bound to defend a City, should be more cruell to the inhabitants, than their enemies that besiege them.

This was the opinion of the *Lacedemonians*, certainly just Rulers. Neither can he be accounted a just King, which approves not this sentence of absolution: for those which desire to govern according to the due proportion of equity and reason, take into consideration as well what the Law inflicts on tyrants, as also what are the proper rights and bounds both of the Patriotic and Plebeian orders. But we must yet proceed a little further: There is not so mean a Mariner, but must be ready to prevent the ship-wreck of the vessell, when either the negligence or wilfulness of the Pilot casts it into danger. Every Magistrate is bound to relieve, and as much as in him lies, to redresse the miseries of the Common-wealth, if he shall see the Prince, or the principall Officers of State his associates, by their weakness or wickedness, to hazard the ruine thereof. Briefly, he must either free the whole kingdome, or at least that portion especially recommended to his care, from their imminent and incroaching tyranny. But hath this duty proper relation to every one: Shall it be permitted to *Hendonius Sabinus*, to *Ennius Suranus*, or to the Fencer *Spartanus*; or to be briete, to a meere private person, to present the bonnet to slaves, put Armes into the hands of subjects, or to joyn battell with the prince, although he oppresse the people with tyranny? No certainly: The Common wealth was not given in charge to particular persons considered one by one; but on the contrary, particulars even as Papists, are recommended to the care of the principall Officers and Magistrates; and therefore they are not bound to defend the Common-wealth, which cannot defend themselves. God nor the people have not put the sword into the hands of particular persons: Therefore if without commandment they draw the sword, they are seditious, although the cause seem never so just.

L.2. de Sedi-
tiosis.

Further-

Furthermore, the prince is not establisht by private and particular persons, but by all in generall considered in one intire body ; whereupon it followes, that they are bound to attend the commandment of all, to wit, of those which are the representative body of a kingdom, or of a Province, or of a Citie, or at the least of some one of them, before they undertake any thing against the prince. For as a Papist cannot bring an action, but being a vowl in the name of his Tutor, although the pupill be indeed the true proprietor of the estate, and the tutor onely owner with reference to the charge committed unto him : so likewise the people may not enterprise actions of such nature, but by the command of those, into whose hands they have resigned their power and authority, whether they be ordinary Magistrates, or extraordinary, created in the Assembly of the Estates ; whom, if I may so lay, for that purpose, they have girded with their sword, and invested with authority, both to govern and defend them, establisht in the same kind as the Pretor at *Rome*, who determined all differences between masters and their servants, to the end that if any controversie happened between the King and the subjects, they should be Judges and preservers of the rights, lest the subjects should assume power to themselves to be judges in their own causes. And therefore if they were opprest with tributes, and unreasonable imposts, if any thing were attempted contrary to covenant and oath, and no Magistrate opposed those unjust proceedings, they must rest quiet, and suppose that many times the best Physicians both to prevent and cure some grievous disease, do appoint both letting blood, evacuation of humors, & lancing of the flesh; and that the affaires of this world are of that nature, that with much difficulty one evill cannot be remedied without the adventuring if not the suffering of another, nor any good be atchieved, without great pains. They have the example of the people of *Israell*, who during the reigne of *Solomon*, refused not to pay those excessive taxes imposed on them, both for the building of the Temple, and fortifying of the Kingdom, because by a generall content they were granted for the promulgation of the glory of God, and for an ornament and defence of the publick State.

They have also the example of our Lord and Saviour Jesus Christ, who though he were King of Kings, notwithstanding because

L. 8. l. 9. D. de
auto. & cons.
Int. & cur.

Senea lib. 1. de
Benefic.

Job. 34.

because he conversed in this world in another quality, to wit, o
a private and particular man, paid willingly tribute. If the Ma-
gistrates themselves manifestly favour the tyranny, or at the
least doe not formally oppose it; let private men remember the
saying of *Job*, *That for the sinnes of the people God permits by-
porites to reigne*, whom it is impossible either to convert or sub-
vert, if men repent not of their wayes, to walk in obedience to
Gods commandments; so that there is no other weapons to be u-
sed, but bended knees and humble hearts. Briefly, let them bear
with bad princes, and pray for better, perswading themselves,
that an outragious tyranny is to be supported as patiently, as
some exceeding dammage done by the violence of tempests,
or some excessive over-flowing waters, or some such naturall ac-
cidents unto the fruits of the earth, if they like not better to
change their habitations, by retiring themselves into some o-
ther countries. So *David* fled into the mountaines, and at-
tempted nothing against the Tyrant *Saul*, because the people
had not declared him any publick Magistrate of the King-
dome.

Rom. 13.

Jesus Christ, whose kingdome was not of this world, fled into
Egypt, and so freed himselfe from the pawes of the Tyrant. *Saint Paul* teaching of the duty of particular Christian men, and not
of Magistrates, teacheth that *Nero* must be obeyed. But if all
the principall Officers of State, or divers of them, or but one,
endeavour to suppress a manifest tyranny, or if a Magistrate
seek to free that province, or portion of the kingdome from op-
pression, which is committed to his care and custody, provided
under colour of freedome he bring not in a new tyranny, then
must all men with joynct courage and alacrity, run to Armes, and
take part with him or them, and assist with body and goods, as if
God himselfe from heaven had proclaimed warres, and meant to
joyn battell against tyrants, and by all wayes and means endevour
to deliver their Countrey and Common-wealth from their ty-
rannous oppression. For as God doth oftentimes chastise a peo-
ple by the cruelty of tyrants: so also doth he many times punish
tyrants by the hands of the people. It being a most true saying,
verified in all ages: *For the iniquities, violences, and wickednesse of
Princes, Kingdomes are translated from one Nation to another: but ty-
ranny was never of any durable continuance*.

Ecclius 10.

The

The *Centurians* and men at armes did freely and courageously execute the commandments of the High Priest *Jeboiada*, in suppreſſing the tyranny of *Abtalia*. In like manner all the faithfull and ge-nerous *Israelites* tooke part and joyned with the *Maccabites*, as well to re-eftablifh the true ſervice of God, as alſo to free and de-ſiſter the ſtate from the wicked and unjust oppreſſion of *Antiochus*, and God bleſſed with happy ſuccelſe their just and commendable enterprize. What then? cannot God when he pleaſeth stirre up particular and private perſons to ruine a mighty and powerfull ty-rrany? Hee that gives power and ability to ſome even out of the duff without any title or colourable pretext of lawfull authority to riſe to the height of rule and dominion, and in it tyrranize and affliet the people for their transgrefſions? cannot he alſo even from the meaneft multitude raife a liberator? Hee which enthrall'd and ſubjeeted the people of *Israel* to *Jabin*, and to *Eglon*, did hee not deliver & enfranchise them by the hand of *Ehud*, *Barac* and *Deboras*, whiſt the Magiſtrates & Officers were dead in a dul & negligent ex-taſie of ſecurity? What then ſhall hinder, you may lay the ſame God who in theſe dayes ſends us Tyrants to correct us, that he may not alſo extraordinaſily ſend correctors of tyrants to deliver us? What if *Abab* cut off good men, if *Jeſabel* stubborn false witneſſe againſt *Naboth*, may not a *Jeſu* be raiſed to extermiuate the whole line of *Abab*, to revenge the death of *Naboth*, and to caſt the body of *Je-ſabel* to be torne and devoured of dogs? Certainly as I have formerly anſwered, the Almighty is ever mindfull of his iuſtice, and main-tains it as inviolably as his mercy.

But for as much as in theſe latter times, thofe miraclous teſti-monies by which God was wont to confirme the extraordinaſy voca-tion of thofe famous Worthies, are now wanting for the moſt part: let the people be adviſ'd, that in ſeeking to crosse the ſea dry foote, they take not ſome *Impoſtor* for their guide, that may lead them head-long to deſtruction (as we may read happened to the *Jewes*:) and that in ſeeking freedom from tyrrany, he that was the principall iuſtment to diſ-inthrall them, became not himfelfe a more iſſupportable Tyrant than the former: briefly, leſt en-deavouring to advaſtage the Common-wealtheſt, they introduce not a common miſery upon all the undertakers, participating thereiñ with diuers ſtates of *Italy*, who ſeeking to ſuppreſſe the preſent evill, added an acceſſion of greater, and more intollerable ſervitude.

Finally, that we may come to some period of this third question; Princes are chosen by God, and establish by the people: As all particulars considered one by one are inferior to the Prince: so the whole body of the people and Officers of State which represent that body, are the Princes superiors. In the receiving and inauguration of a Prince, there are Covenants and contracts passed between him and the people, which are facite and expressed, naturall or civil: to wit, to obey him faithfully whilst he commands justly, that he serving the Common-wealth, all men shall serve him, that whilst he governs according to law, all shall be submitted to his government, &c. The Officers of the Kingdome are the Guardians and Protectors of these Covenants and contracts. He that maliciously or wilfully violates these conditions, is questionless a Tyrant by practise. And therefore the Officers of State may judge him according to the lawes: and if he support his tyranny by strong hands, their duty blindes them, when by no other meanes it can be effected, by force of arms to suppress him.

Of these Officers there be two kindes, those which have generally undertaken the protection of the Kingdome: as the Constable, Marshalls, Peers, Palatines, and the rest, every one of which, although all the rest doe either connive or consort with the tyranny, are bound to oppose and repprese the Tyrant: and those which have undertaken the government of any Province, Cities, or part of the Kingdome, as Dukes, Marqueses, Earles, Consuls, Mayors, Sherifffes, &c. they may according to right expell and drive tyranny and Tyrants from their Cities, Confines, and governments.

But particular and private persons may not unsheathe the sword against Tyrants by practise, because they were not establish by particulars, but by the whole body of the people. But for Tyrants which without title intrude themselves for so much as there is no contract or agreement betweene them and the people, it is indifferently permitted all to oppose and depose them; and in this rank of Tyrants may those be rang'd, who, abusing the weakenesse and sloath of a lawfull Prince, tyrannously insult over his Subjects. Thus much for this, to which for a more full resolution may be added that which hath beene formerly discoursed in the second question.

The fourth question.

whether neighbour Princes may, or are bound by law to aide the Subjects of other Princes, persecuted for true Religion, or oppressed by manifest tyranny.

WE have yet one other question to treat of, in the discussing whereof there is more use of an equitable judgement than of a nimble apprehension: and if charity were but in any reasonable proportion prevalent amongst the men of this age, the disputation thereof were altogether frivolous: but seeing nothing in these dayes is more rare nor lesse esteemed than charity; we will speak some-what of this our question. We have already sufficiently proved that all Tyrants, whether those that seeke to captivate the minds and soules of the people with an erroneous and superstitious opinion in matter of Religion, or those that would enthrall their bodies and estates with miserable servitude and excessive impositions, may justly by the people be both supprest and expulst. But for so much as Tyrants are for the most part so cunning, and Subjects seldom so cautelous, that the disease is hardly known, or at the least not carefully observed before the remedy prove almost desperate, nor thinke of their owne defence before they are brought to those straights, that they are unable to defend themselves, but compeld to implore the assistance of others: Our demand therefore is, if Christian Princes lawfully may and ought to succour those Subjects which are afflicted for true Religion, or opprest by unjust servitude, and whose sufferings are either for the kingdome of Christ, or for the liberty of their own state? There are many, which hoping to advance their owne ends, and encroach on others rights, that will readily embrace the part of the afflicted, and proclaim the lawfulness of it: but the hope of gaine is the certaine and only aime of their purposes: And in this manner the *Romans*, *Alexander* the great, and divers others, pretending to suppreffe Tyrants, have oftentimes enlarged their own limits. It is not long since, we saw King *Henry* the Second make Wars on the Emperour *Charles* the Fifth, under colour of defending and delivering the Protestant Princes. As also *Henry* the

Eighth King of *England* was in like manner ready to assist the *Germans*, if the Emperour *Charles* should molest them. But if there be some appearance of danger, and little expestante of profit, then it is that most Princes doe vehemently dispute the lawfulness of the action. And as the former cover their ambition and avarice with the veale of charity and piety: so on the contrary doe the other call their feare and cowardly basenesse integrity and justice, although that piety (which is ever carefull of anotheres good) love no part in the counsels of the first: nor justice (which affectionately defires the easing of a neighbours grieve) in cooling the charitable intendments of the later. Therefore without leaning either to the one side or the other, let us follow those rules which piety and justice trace us out in matter of Religion.

First, All accord in this, *That there is one only Church, whereof Jesus Christ is the head*, the members whereof are so united and conjoyn'd together, that if the least of them be offended or wronged, they all participate both in the harme and sorrow, as throughout holy Scripture plainly appears. Wherefore the Church is compared to a body: Now it oftentimes happens that the body is not only overthrown by a wound in the arme, or thigh, but even also much endangered, yea and sometimes kill'd by a small hurt in the little finger. Vainly therefore doth any man vaunt that this body is recommended to his care and custody, if he suffer that to be dismembered and puld in pieces which he might have preserved whole and intire. The Church is compared to an edifice: on which side soever the building is undermin'd, it many times chances that the whole tumbles downe, and on what rafter or piece of timber soever the flame takes hold, it indangers the whole house of burning, he must needs be therefore worthy of scorne who should deferre to quench the fire which had caught his house top, because he dwells most in the Cellar: would not all hold him for a mad man which should neglect by countermoring to frustrate a myne, because it was intended to overthrow that wall there, and not this here.

Againe, the Churche is resembled to a ship, which as it failles together, so doth it sinke together: insomuch that in a tempest, those which be in the fore-cast, or in the keele, are no more secure than those which remaine at the stern or on the decke: so that the proverb commonly saies, when men runne the like hazard in matter of danger, that they venture both in one bottome. This being

being granted, questionlesse whosoever hath not a fellow-feeling in commiserating the trouble, danger & distresse of the Church, is no member of that bodie, nor domestick in the family of Jesus Christ, nor hath any place in the Ark of the covenant of grace. He ^{wch} hath any sense of Religion in his heart ought no more to doubt whether he be oblig'd to aid the afflicted members of the Church, than he would be assisting to himselfe in the like distresse: for the union of the Church unites us all into one bodie, and therefore every one in his calling must be ready to assist the needy, and so much the more willingly, by how much the Almighty hath bestowed a greater portion of his blessings on us: which were not conferr'd, that we should be made possessors of them, but that we should be dispensers thereof according to the necessity of his Saints.

As this Church is one, so is shee recommended, and given in charge to all Christian Princes in generall, and to every one of them in particular: For so much as it was dangerous to leave the care to one alone, and the unity of it would not by any meanes permit, that she should be divided into pieces, and every portion assign'd unto one particular: God hath committed it all intire to particulars, and all the parts of it to all in generall, not only to preserve and defend it, but also to amplifie and encrease it as much as might be. Insomuch that if a Prince which hath undertaken the care of a portion of the Church, as that of *Germany* and *England*, and notwithstanding neglect and forsake another part that is oppressed, and which he might succour, he doubtlesse abandons the Church, Christ having but one only Spouse, which the Prince is so bound to preserve and defend that she be not violated or corrupted in any part if it be possible. And in the same manner as every private person is bound by his humble and ardent prayers to God to desire the restoring of the Church: So likewise are the Magistrates tied diligently to procure the same with the utmost of their power and meanes which God hath put into their hands. For the Church of *Ephesus* is no other than that of *Colossus*: but these two are portions of the universall Church, which is the kingdome of Christ, the encrease and prosperity whereof ought to be the continuall subiect of all private mens prayers and desires; but it is the duty of all Kings, Princes, and Magistrates, not only to amplifie and extend the limits and bounds of the Church in all places, but only to preserve and defend it against all men whatsoever. Where-

for there was but one Temple in *Juda* built by *Solomon*, which represented the unioie of the Church. And therefore ridiculous and worthy of punishment were that Church-warden which had care onely of some small part of the Church, and suffered all the rest to be spoiled with raine and weather. In like manner, all Christian Kings when they receive the sword on the day of their Coronation, solemnly sweare to maintaine the Catholick or universall Church, and the ceremony then used doth fully expresse it, for holding the sword in their hands, they turne to the East, West, North, and South, and brandish it, to the end that it may be knowne that no part of the world is excepted. As by this ceremony they assayme the protection of the Church, it must be questionlesse understood of the true Church, and not of the false: therefore ought they to imploy the utmost of their abilitie to reforme and wholly to restore that which they hold to be the pure and truely Christian Church, to wit, ordered and governed according to the direction of the Word of God. That this was the practise of godly Princes, we have their examples to instruct us. In the times of *Ezebiias* King of *Juda*, the Kingdome of *Israel* had been a long time before in subjection to the *Affrians*, to wit, ever since the King *Osea* his time; And therefore if the Church of *Juda* onely, and not the whole universall Church had been committed to the custodie of *Ezebiias*: and if in the preservation of the Church the same course were to be held, as in the dividing of lands, and imposing of tributes, then questionlesse *Ezebiias* would have contained himselfe within his own limits, especially then when the exorbitant power of the *Affrians* larded it every where. Now wee reade that he sent expresse Messengers throughout *Israel*, to wit, to the subiects of the King of *Affria*, to invite them to come to *Jerusalem* to celebrate the paschal feast: yea and he ayded the faithfull *Israelites* of the tribes of *Ephraim* and *Manasses*, and otheres the subiects of the *Affrians*, to ruine the high places which were in their quarters.

Wee reade also that the good King *Josias* expeld Idolatry, not onely out of his own Kingdome, but also even out of the Kingdome of *Israel*, which was then wholly in subjection to the King of *Affria*. And no marvell, for where the glory of God, and the kingdome of Christ are in question, there no bounds or limits can confine the zeale and fervent affection of pious and godly Princes. Though the opposition be great, and the power of the opposers greater, yet the

2 Kings 22.
2 Chron. 34.
& 35.

the more they fear God, the lesse they will feare men. These generous examples of divers godly Princes have since been imitated by sundry Christian Kings, by whose meanes the Church (which was heretofore restrained within the narrow limits of *Palestine*) hath been since dilated throughout the universall world. *Constantine* and *Licinius* governed the Empire together, the one in the Orient, the other in the Occident, they were associates of equall power and authoritie. And amongst equals, as the Proverb is, there is no *Par in parvum* command. Notwithstanding, because *Licinius* doth every where *non habet imperium*, banish, torment, and put to death the Christians, and amongst them divers of the nobilitie, and that for and under pretence of Religion. *Constantine* makes warre against him, and by force compels him to give free libertie of Religion to the Christians, and because he broke his faith and relapsed into his former crueltie, he caused him to be apprehended and put to death in the Cittie of *Thessalonica*. This Emperours pietie was with so great an applause celebrated by the Divines of those times, that they suppose that saying in the Prophet *Isaiah*, to be meant by him; *That King shall be Pastors and nursing Fathers of the Church*. After his death the Roman Empire was divided equally between his sonnes, without advantaging the one more than the other. *Constans* favoured the orthodox Christians, *Constantius* being the elder, leaned to the *Arians*, and for that cause banished the learned *Athanasius* from *Alexandria*; the greatest professed adversary of the *Arians*. Certainly, if any consideration in matter of confines be absolutely requisite, it must needs be amongst brethren. And notwithstanding *Constans* threatens to warre on his brother, if he restore not *Athanasius*, and had without doubt performed it, if the other had long deserred the accomplishment of his desire. And if he proceeded so farre for the restitution of one Bishop: had it not been much more likely and reasonable, for him to have assilfed a good part of the peoples, if they implored his ayde against the tyranny of those that refusel them the exercise of their Religion, under the authoritie of their Magistrates and Governoours? So at the perfwal of *Atticus* the *sec. lib. 7.* *Bilhop, Theodosius* made warre on *Cosroes* King of *Persia* to deliver *cap. 18.* the Christians of his Kingdome from persecution, although they were but particular and private persons. Which certainly those most just Princes, who instituted so many worthy Lawes, and had so great and speciall care of justice, would not have done, if by that fact:

fact they had supposed any thing were usurpt on another mans right, or the Law of Nations violated. But to what end were so many expeditions undertaken by Christian Princes into the holy Land against the *Saracens*? Wherefore were demanded and raised so many of those Saladine tenths? To what purpose were so many confederacies made, and crosadoes proclaimed against the *Turkes*, if it were not lawfull for Christian Princes, yea those furthest remote, to deliver the Church of God from the oppression of tyrants, and to free captive Christians from under the yoke of bondage? What were the motives that led them to those warres? What were the reasons that urged them to undergo those dangers? But onely in regard of the Churches union, Christ summond every man from all parts with a unanimous consent, to undertake the defence thereof: For all men are bound to repulse common dangers with a joynet and common opposition: all which have a naturall consent and relation with this weare now treat of. If this were lawfull for them against *Mahomet*, and not onely lawfull, but that the backward and negligent were ever made liable to all infamous contempt, and the forward and readie undertakers alwayes recompenced with all honourable respect and reward, according to the merit of their vertues: wherefore not now against the enemy of Christ & his Saints? If it be a lawfull warre to fight against the *Greekes* (that I may use that phrase) when they assyle our *Troy*: wherefore is it unlawfull to pursue and prevent that incendiary *Sinon*? Finally, if it have been esteemed an heroicall act to deliver Christians from corporall servitude, (for the *Turkes* enforce none in point of Religion) is it not a thing yet much more noble to infranchise and set at libertie soules imprisoned in the mists of error?

These examples of so many religious Princes, might well have the directive power of Law. But let us heare what God himselfe pronounces in many places of his Word by the mouth of his Prophets, against those which advance not the building up of his Church, or which make no reckoning of her afflictions. The *Gadites*, the *Reubenites*, and halfe tribe of *Manasse*, desirous of *Moses* that he would allot them their portion on the other side of *Jordan*. *Moses* grants their request, but with this proviso and condition: That they should not onely assist their other brethren the *Israelites* to conquer the land of *Canaan*, but also that they should march the first, and serve as vaughtgard to the rest, because they had their portion

Numb. 32.
Ies. 4. 12.
Deut. 3. 20.

tions first set them forth, and if they faile to performe this dutie, he with an anathema, destines them to destruction, and compares them to those which were adjudged rebels at *Cadisbarnes*. And what sayes he, your brethren shall fight, and you in the meane season rest quiet at home? Nay on the contrary, you also shall passe *Jordan*, and not returne into their houseth, before first the Lord have driven his enemies out from before his face, and granted place to your brethren as well as you, then shall you be innocent before the Lord and his people *Israel*. He shews by this that those which God first blesseth with so great a benefit, if they help not their brethren, if they make not themselves sharers in their labours, companions in their travells, and leaders in their dangers, they must questionlesse expect a heauie punishment to fall upon them.

Likewise when under the conduct of *Debora*, the *Nebtalites* and *Judges 5.* *Zsbulonites* took armes against the tyrant *Jabin*: and that in the meane season the *Reubenites* which should have been first in the field took their ease and played on their pipes, whilst their flockes and herds fed at libertie: the *Gadites* held themselves secured with the rampire of the river; the *Danites* gloried in their command at Sea; And *Ashur*, to be briefe, was confident in the difficult accessse of their mountaines: The Spirit of the Lord speaking by the Propheteſſe, doth in exprefſe termes condemne them all; *Curse yee Ma-ros*, (ſaid the Angel of the Lord) *curſe yee bitterly the inhabitants thereof*: because they came not to the helpe of the Lord, to the helpe of the Lord against the mightie. But blessed above women ſhall *Jael* the wife of *Heber the Kenite* be, who though ſhee might have alledged the alliance which her husband had with the *Canaanites*, did notwithstanding kill *Sisera* the Generall of the enemies armie. And therefore *Uriah* ſpake religiouly, and like a true Patriarke, when he ſaid, *The Arke of the Lord, and Israel, and Judah abide in tents, and my Lord 2 Sam. 11.1. ſtoab, and the ſervants of my Lord are encamped in the open fields; Shall I then goe into mine houſe, to eate and to drinke, and to lie with my wife? as thou liuſt, and as thy ſoule liuſt, I will not doe this thing.* But on the contrary, impious and wicked were the Princes of *Israel*, who ſuppoſing themſelves ſecured by the craggy mountaines of *Samaria*, and ſtrong fortifications of *Sion*, tooke libertie to looſe themſelves in luxuriouſ ſeaſts, looſe delights, drinking delicious wines, and ſleeping in perfum'd beds of *Ivorie*, despifing in the meane ſeafon *Amos 6.* poore *Joseph*, to wit, the Lords flock tormented and miserably vexed

on all sides, nor have any compassion on their affliction. The Lord God hath sworn by himself, saith the Lord God of Hosts, I abhor the excellency of Jacob, and hate his palaces: therefore will I deliver up the City, with all that is therein, and those that wallow there in pleasures, shall be the first that shall go into captivity. Wickedly therefore did those Ephraimites, who in stead of congratulating and applauding the famous and notable victories of Gideon and Jephtha, did envie and traduce them, whom notwithstanding they had forsaken in dangers.

Judg. 8. & 12.

2 Sam. 5. 2.

2 Sam. 20. 1.

Numb. 32.

As much may be said of the Israelites, who seeing David overcome the difficulty of his affaires, and remain a peaceable King, say aloud, *We are thy flesh and thy bones*: and some years after, seeing him imbroil'd again in troubles, cried out, *We have no part in David, neither have we inheritance in the son of Jesse*. Let us rank also with these, all those Christians in name only, w^{ch} wil communicate at the holy table, and yet refuse to take the cup of affliction with their brethren, which look for salvation in the Church, and care not for the safety and preservation of the Church, & the members thereof. Briefly, which adore one and the same God the Father, acknowledge and avow themselves of the same household of faith, and profess to be one and the same body in Jesus Christ, and notwithstanding yeld no succour nor assistance to their Saviour afflicted in his members. What vengeance doe you think will God inflict on such impiety? Moses compares those which abandon their brethren to the rebels of Cadesbarnes: Now none of those by the decree of the Almighty, entred into the land of Canaan. Let not those then pretend any interest in the heavenly Canaan, which will not succour Christ when he is crucified, and suffering a thousand times a day in his members, and as it were beating their almes from doot to doot. The Son of God with his owne mouth condemnes them to everlasting fire, that when he was hungry, gave him no meat; when he was thirsty, gave him no drink; when he was a stranger, lodged him not; naked, and cloathed him not; sick, and in prisone, and visited him not. And therefore let those expect punishments without end, which lend a deafe eare to the complaints and groans of our Saviour Jesus Christ, suffering all these things daily in his members; although otherwise they may appear both to others and themselves to be jolly Christians, yet shall their condition be much more miserable than that

of

of many Infidels. For why ; were they the Jews & onely Scribes and Pharisees, to speak properly, that crucified Christ ? or were they Ethnicks, Turks, or some certain pernicious Sects of Christians, which crucifie, torment, and persecute him in his members ? No certainly, the Jewes hold him an imposter, the Ethnicks a malefactor, the Turks an Infidell, the others an heretick, insomuch as if we consider the intention of these men, as the censuring of all offences ought to have principall relation thereunto, we cannot conclude that it is properly Christ that they persecute with such hatred, but some criminal person, which in their opinion deserves this usage : But they doe truly and properly persecute and crucifie Christ Jesus, which professeth to acknowledge him for the *Messias*, God and Redeemer of the world, and which notwithstanding fail to free him from p:secution and vexation in his members, when it is in their power to do it. Briefly, he w^{ch} omitts to deliver his neighbour from the hands of the murderer, when he sees him in evident danger of his life, is questionlesse guilty of the murther, as well as the murtherer. For seeing he neglected when he had means to preserve his life, it must needs necessarily follow, that he desired his death. And in all crimes the will and intendement ought principally to be regarded. But questionlesse these Christian princes which do not receive and assist the true professors, which suffer for true religion, are much more guilty of murther than any other, because they might deliver from danger an infinite number of people, which for want of timely succours, suffer death and torments under the cruel hands of their persecutors : and to this may be added, that to suffer ones brother to be murthered, is a greater offence than if he were a stranger. Nay, I wil say further, those forsakers of their brethren in their time of danger and distresse, are more vile, and more to be abhorred than the tyrants themselves that persecute them. For it is much more wicked, and worthy of greater punishment to kill an honest man that is innocent & fearing God (as those which consent with them in the faith must of necessity know the true professors to be) than a thiefe, an imposter, a magician or an heretick, as those which persecute the true Christians do commonly beleieve them to be, it is a greater offence by many degrees to strive with God than man. Briefly, in one and the same action it is a much more grievous crime perfidiously to betray, than ignorantly to offend. But may

Aug. in Psa 32
Amb. lib. I. de
Offic.
Gratian in
Decret.

the same also be said of them which refuse to afflit those that are oppressed by tyranny, or defend the liberty of the Commonwealth against the oppression of tyrants? For in this case the coniunction or confederacy seems not to be of so strict a condition between the one and the other, here we speak of the Commonwealth diversly governed according to the customes of the countries, and particularly recommended to these here, or those there, and not of the Church of God, which is composed of all, and recommended to all in general, and to every one in particular. The Jew saith, our Saviour Christ is not onely neighbour to the Jew, but also to the Samaritan, and to every other man. But we ought to love our neighbour as our selves; and therefore an Israelite is not onely bound to deliver an Israelite from the hands of theevas, if it be in his power, but every stranger also; yea, though unknown, if he will rightly discharge his duty: neither let him dispute whether it be lawfull to defend another, which beleieve he may justly defend himself. For it is much more just, if we truly consider the concomitants, to deliver from danger and outrage another than ones selfe; seeing that what is done for pure charity, is more right and allowable, than that which is executed for colour, or desire of revenge, or by any other transport of passion: in revenging our own wrongs we never keep a mean, whereas in other mens, though much greater, the most intemperate will easily observe moderation. Furthermore, the heathens themselves may teach us what humane society, and what the law of nature requires of us in this busines; wherefore Cicero saies,

Cicero lib.1. c. 3. Offic.
 That Nature being the common mother of mankind, prescribes and ordaines, that every man endeavour and procure the good of another whatsoever be he, onely because he is a man: otherwise all bonds of society, yea and mankind is self must needs goe to ruine. And therefore as Justice built on these two Basis, or pillars, First, that none be wronged: secondly, that good be done to all if it be possib'e. So also is there two sorts of injustice; the first, in those which offer injury to their neighbours; the second, in them which when they have meanes to deliver the oppressed, doe not notwithstanding suffer them to sink under the burthen of their wrongs: For wholoever doth wrong to another, either mov'd thereunto by anger, or any other passion, he may in a sort be truly said to lay violent hands on his companion; but he which hath meanes and defends not the afflited

flicted, or to his power wards not the blowes that are struck at him, is as much faulty, as if he forsook his parents, or his friends, or his countrey in their distresse. That which was done by the first, may well be atttributed to choleric, which is a short madnesse; the fault committed by the other, discovers a bad minde, and a wicked purpose, which are the perpetuall tormentors and tyrants of the conscience. The fury of the first may be in some sort excused, but the malice of the second admits no colour of defence. Peradventure you will say, I feare in aiding the one, I shall doe wrong to the other. And I answer, You seek a Cloak of justice wherewith to cover your base remissesse: and if you lay your hand on your heart, you will presently confess, that it is somewhat else, and not justice, that with-holds you from performing your duty. For as the same *Cicero* sayes in another place, *Either thou wilt not make the wrong-doer thine enemy, or not take paines, or not be at so much charge, or else negligence, sloth, or the hindering of thine own occasions, or the croſſing of other purposes, takes thee off from the defence of those who otherwise thou art bound to relieve.* Now in saying thou onely attende thine own affaires, fearing to wrong another, thou fallest into another kind of injustice: for thou abandonest humane society, in that thou wile not afford any endeavour either of mind, body, or goods, for the necessary preservation thereof. Read the Directions of the heathen Philosophers and Politicians who have written more divinely herein, than many Christians in these dayes. From hence also proceeds, that the *Roman* law designes punishment to that neighbour which will not deliver the slave from the outragious fury of his master.

Amongſt the *Egyptians*, if any man had ſene another affai'd and diſtreſſ'd by thieves and robbers, and did not according to his power preſently aid him, he was adjudgd worthy of death, if at the leaſt he diſcover'd or delivered not the delinquentes into the hand of the Magiſtrate. If he were negligent in performing this duty for the firſt muſt, he was to receive a certaīne number of blowes on his body, and to ſaſt for 3. dayes together. If the neighbour be ſo firmly oblig'd in this muſtall duty of ſuccour to his neighbour, yea to an unknowne person in caſe hee be affai'd by thieves: ſhall it not be lawfull for a good Prince to affiſt, not ſlaves to an imperious Maſter, or children againſt a furious Father; but a Kingdome againſt a Tyrant, the Common-wealth againſt the private ſpleene

of one, the people (who are indeed the true owners of the State) against a ministering servant to the publicke. And if he carelessly or willfully omit this duty, deserves he not himselfe to be esteem'd a Tyrant, and punished accordingly, as well as the other, a robber, which neglected to assist his neighbour in that danger? Thucidides upon this matter saies, *that those are not only Tyrants which make other men slaves, but much more those who having meane to suppress and prevent such oppression, take no care to performe it.* And amongst others, those which assumed the title of Protectors of Greece, and defenders of the Countrey: and yet stirs not to deliver their Countrey from oppression of strangers, and truly indeed. For a Tyrant is in some sort compeld to hold a straight and tyrannous hand over those, who by violence and tyranny, he hath constrain'd to obey him, because as Tiberius said, *he holds the Wolfe by the ears, whom he can neither hold without paine and force, nor let goe without danger & death.* To the end then that he may blot out one sin with another sinne, he files up one wickednesse to another, and is forced to do injuries to others, lest he should prove by remissesse injurious to himselfe. But the Prince which with a negligent and idle regard lookes on the outrageousnesse of a Tyrant, and the massacring of Innocents, that he might have preserved, like the barbarous spectacles of the Roman sword-players so much more guilty than the Tyrant himselfe, by how much the cruel and homicidious disorders and appointers of these bloody sports, were more justly punishable by all good laws than the poore and constrain'd actors in those murthering tragedies: and as he questionesse deserves greater punishment, which out of insolent jollity murthers one, than he which unwillingly for feare of a further harme kills a man. If any object that it is against reason and good order to meddle in the affaires of another: I answer with the olde man in *Terrence, I am a man, and I believe that all duties of humanity are fit and convenient for me.* If behers seeking to cover their base negligence, and carelesse unwillingnesse, alledg that bounds and jurisdictions are distinguisht one from another, and that it is not lawfull to abuse one fief into anothers barony. Neither am I also of that opinion, that upon any ffe fei or pretence, it is lawfull for a Prince to encroach upon anothers jurisdiction or right, or upon that occasion to usurp anothers countrey, and so carry another mans corne into his barnes, as divers have taken such shadowes to maske their bad intentions. I will not

not I say, that after the manner of those arbitiators which Cicer
speaks of, thou adjudge the things in controvrsie to thy selfe. But
I require that you represe the Prince that invades the kingdome of
Christ, that you containe the Tyrane within his owne limits, that
you stretch forth your hand of compallion to the people afflicted,
that you raise up the Common-wealth lying groveling on the
ground, and that you so carry your selfe in the ordering and ma-
naging of thys, that all men may see your principall aime and end
was the publique benefit of humane society, and not any private
profit or advantage of your owne; For seeing that Justice respects
only the publique, and that which is without, and Injustice fixes a
man wholly on himselfe: it doubtlesse becomes a man truly honest
so to dispose his actions, that ever private interests give place, and
yield to publique commoditie.

Briefly to epitomize what hath bin formerly said if a Prince ou-
ragiously over-passt the boundes of piety & justice. A neighbor Prince
may justly and religiously leave his owne Countrey, not to invade
and usurp another's, but to containe the other within the limits of
justice and equity: and if he neglect or omit his duty herein, hee
shewes himselfe a wicked and unworthy Magistrate. If a Prince
tirannize over the people, a neighbour Prince ought to yield succ-
ours as freely and willingly to the people, as he would doe to the
Prince his brother if the people mutinied against him: yea he should
so much the more readily succour the people, by how much there
is more just cause of pity to see many afflicted, than one alone. If
Personna brought *Turquinus Superbus* backe to *Rome*, much more
justly might *Constantine*, requisited by the Senate, and *Roman* peo-
ple, expell *Maxentius* the Tyrant from *Rome*. Briefly, if man be-
come a Wolfe to man, who bindes that man (according to the
proverb) may not be instead of God to the needy? And therefore
the Ancients have ranckt *Heroyles* amongst the gods, because he pu-
nished and tam'd *Procrustes*, *Buferis*, and other Tyrants, the plagues
of man kind, and monsters of the earth. So whilst the *Roman* Em-
pire retaind her freedome, she was truly accounted the safe-guard
of all the world against the violence of Tyrants, because the Senate
was the port and refuge of Kings, people, and Nations. In like
manner *Constantine*, called by the *Romans* against *Maxentius*, had
God Almighty for the leader of his Army: and the whole Church
doth with exceeding commendations celebrate his enterprize, al-
though

though that *Maxentius* had the same authority in the West, as *Constantine* had in the East. Also *Charlemaine* underooke War against the *Lombards*, being requested to assist the Nobility of *Italy*: although the Kingdome of the *Lombards* had been of a long continuance, and he had no just pretence of right over them. In like manner when *Charles the bald*, King of *France*, had tyrannously put to death the Gouvernour of the Country between the River of *Seyne* and *Loire*, with the Duke *Lambert*, and another Noble man call *Janetius*, and that other great men of the Kingdome were retired unto *Lewis King of Germany*, brother, (but by another mother) unto *Charles*, to request aid against him, and his mother called *Juditib*, one of the most pernicious women of the world, *Lewis* gave them audience in a full Assembly of the *German* Princes, by whose joyn't advice it was decreed, that Warres should be made against *Charles* for the re-establishing in their goods, honours, and estates, those whom he had unjustly dispossess'd.

Finally, as there hath ever been Tyrants dispers'd here and there, so also all histories testify that there hath been neighbouring Princes to oppole tyranny, and maintain the people in their right. The Princes of these times by imitating so worthy examples, should suppress the Tyrants both of bodies and soules, and restraine the oppressors both of the Common-wealth, and of the Church of Christ: otherwise they themselves may most deservedly be branded with that infamous title of Tyrant.

And to conclude this discourse in a word, piety commands that the Law and Church of God be maintain'd: Justice requires that Tyrants and destroyers of the Common-wealth be compeld to reaſon: Charity challenges the right of relieving and restoring the oppressed. Those that make no account of these things, doe as much as in them lies to drive pietie, justice and charity out of this world, that they may never more be heard of.

FINIS.